



**Iowa General Assembly**  
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**House Concurrent Resolution 104 - Introduced**

HOUSE CONCURRENT RESOLUTION NO. 104

BY COMMITTEE ON ADMINISTRATION AND RULES

(SUCCESSOR TO HSB 501)

1 A Concurrent Resolution amending the joint rules of  
2 the Senate and House of Representatives relating to  
3 session timetable changes.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
5 THE SENATE CONCURRING, That Rule 20, subsections 2  
6 and 3, of the Joint Rules of the Senate and House of  
7 Representatives, as adopted by the Senate and House  
8 of Representatives during the 2011 Session in House  
9 Concurrent Resolution 12, are amended to read as

10 follows:

11 2. To be placed on the calendar in the house of  
12 origin, a bill must be first reported out of a standing  
13 committee by Friday of the 8th week of the first  
14 session and the ~~8th~~ 7th week of the second session. To  
15 be placed on the calendar in the other house, a bill  
16 must be first reported out of a standing committee by  
17 Friday of the 12th week of the first session and the  
18 ~~11th~~ 10th week of the second session.

19 3. During the 10th week of the first session and  
20 the ~~9th~~ 8th week of the second session, each house  
21 shall consider only bills originating in that house and  
22 unfinished business. During the 13th week of the first  
23 session and the ~~12th~~ 11th week of the second session,  
24 each house shall consider only bills originating in the  
25 other house and unfinished business. Beginning with  
26 the 14th week of the first session and the ~~13th~~ 12th  
27 week of the second session, each house shall consider

LSB 5432HV (2) 84

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H.C.R. 104

1 only bills passed by both houses, bills exempt from  
2 subsection 2, and unfinished business.



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**House File 2029 - Introduced**

HOUSE FILE 2029  
BY HORBACH

**A BILL FOR**

1 An Act establishing an employer advocacy council within the  
2 economic development authority.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5156YH (2) 84  
je/nh



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H.F. 2029

1     Section 1. NEW SECTION. 15.120 **Employer advocacy council.**  
2     1. An employer advocacy council is established within  
3 the authority. The authority shall provide the council with  
4 staff assistance and administrative support using existing  
5 resources available to the authority. The authority may expend  
6 moneys allocated to the authority to provide such support.  
7 The authority may adopt rules for the implementation of this  
8 section.  
9     2. The council shall consist of the following members:  
10    a. Voting members as follows:  
11      (1) The governor, or the governor's designee.  
12      (2) The director of the authority, or the director's  
13 designee.  
14      (3) The director of the department of workforce  
15 development, or the director's designee.  
16      (4) Additional members with expertise relevant to  
17 employment and job growth selected by the governor.  
18    b. Four members of the general assembly serving two-year  
19 terms in an ex officio, nonvoting capacity, with two from the  
20 senate and two from the house of representatives and not more  
21 than one member from each chamber being from the same political  
22 party. The two senators shall be designated one member each  
23 by the majority leader of the senate and the minority leader  
24 of the senate. The two representatives shall be designated  
25 one member each by the speaker of the house of representatives  
26 after consultation with the majority leader of the house of  
27 representatives, and by the minority leader of the house of  
28 representatives.  
29     3. The council shall annually elect a chairperson and other  
30 officers as the members determine. A majority of the members  
31 of the council shall constitute a quorum. The council shall  
32 meet at least quarterly. Members of the advocacy council shall  
33 serve without compensation but may be reimbursed for actual  
34 expenses incurred in the performance of their duties.  
35     4. The purposes of the council are the following:

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- 1     *a.* To receive and document concerns from employers regarding  
2 regulatory compliance and any other issues which prevent  
3 employers from starting or expanding a business or hiring  
4 employees in this state.
- 5     *b.* To publicize concerns received from employers so that  
6 the private and public sectors can be more adequately informed  
7 about such issues in pursuit of job growth in this state.
- 8     *c.* To recommend solutions for employer concerns to the  
9 general assembly and other stakeholders in order to promote job  
10 growth in this state.
- 11     5. The duties of the council shall include the following:
- 12     *a.* The council shall establish a physical address and  
13 telephone number for the receipt of concerns from employers.  
14 The council shall provide for the receipt of concerns from  
15 employers at the council's physical address during normal  
16 business hours.
- 17     *b.* The council shall establish an internet site. The  
18 council's internet site shall serve as a forum for the receipt  
19 of concerns from employers in accordance with this section  
20 and for the discussion of such concerns. The council shall  
21 regularly publish concerns received by the council from  
22 employers on the council's internet site, including concerns  
23 received by mail and telephone and in person. The council's  
24 internet site may include other resources for employers as the  
25 council deems appropriate.
- 26     *c.* The council shall conduct regular public meetings across  
27 the state to receive and discuss concerns from employers in  
28 accordance with this section. The council shall publish notice  
29 of the date, time, and location of each meeting at least two  
30 weeks in advance. The council shall establish procedures for  
31 participation in such meetings by means of telecommunication  
32 or electronic communication. The council shall establish  
33 procedures for recording all comments received during such  
34 meetings.
- 35     *d.* The council shall by December 15 each year issue an

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1 annual report to the general assembly detailing concerns  
2 expressed to the council by employers during the previous  
3 year and making recommendations based on such concerns for  
4 legislation and any other action the council deems necessary to  
5 promote job growth in this state. The annual report shall be  
6 published on the council's internet site.

7 e. The council may establish other procedures the council  
8 deems necessary to carry out the purposes of the council  
9 pursuant to section 4.

10 EXPLANATION

11 This bill establishes an employer advocacy council within  
12 the economic development authority. The authority is to  
13 provide the council with staff assistance and administrative  
14 support using existing resources and may expend moneys  
15 allocated to the authority to provide such support. The  
16 authority may adopt rules for the implementation of the bill.  
17 The employer advocacy council's voting members shall consist  
18 of the governor, or the governor's designee; the director of  
19 the economic development authority, or the director's designee;  
20 the director of the department of workforce development, or  
21 the director's designee; and additional members with expertise  
22 relevant to employment and job growth selected by the governor.  
23 The council shall also include four ex officio, nonvoting  
24 legislative members who serve two-year terms, two from the  
25 senate and two from the house of representatives and not more  
26 than one member from each chamber being from the same political  
27 party. The council is to annually elect a chairperson and  
28 other officers as the members determine. A majority of the  
29 members of the council constitutes a quorum. The council is to  
30 meet at least quarterly. Members of the advocacy council serve  
31 without compensation but may be reimbursed for actual expenses  
32 incurred in the performance of their duties.

33 The employer advocacy council has several purposes. The  
34 council is to receive and document concerns from employers  
35 regarding regulatory compliance and any other issues which

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1 prevent employers from starting or expanding a business or  
2 hiring employees in Iowa; publicize concerns received from  
3 employers so that the private and public sectors can be more  
4 adequately informed about such issues in pursuit of job growth  
5 in Iowa; and recommend solutions for employer concerns to the  
6 general assembly and other stakeholders in order to promote job  
7 growth in Iowa.

8 The bill sets out certain duties of the employer advocacy  
9 council. The council is to establish a physical address and  
10 telephone number for the receipt of concerns from employers  
11 during normal business hours. The council is to establish an  
12 internet site which shall serve as a forum for the receipt  
13 of concerns from employers in accordance with the bill and  
14 the discussion of such concerns. The council is to regularly  
15 publish concerns received by the council from employers on  
16 the council's internet site, including concerns received by  
17 mail and in person. The council's internet site may include  
18 other resources for employers as the council deems appropriate.  
19 The council shall conduct regular public meetings across the  
20 state to receive and discuss concerns from employers and  
21 shall publicize the date, time, and location of each meeting  
22 at least two weeks in advance. The council is to establish  
23 procedures for participation in such meetings by means of  
24 telecommunication or electronic communication and for recording  
25 all comments received during such meetings.

26 By December 15 each year, the employer advocacy council is  
27 to issue an annual report to the general assembly detailing  
28 concerns expressed to the council by employers during the  
29 previous year and making recommendations based on such  
30 concerns for legislation and any other action the council deems  
31 necessary to promote job growth in Iowa. The annual report  
32 is also to be published on the council's internet site. The  
33 council may also establish other procedures the council deems  
34 necessary to carry out the purposes of the council pursuant to  
35 the bill.

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Iowa General Assembly  
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House File 2030 - Introduced

HOUSE FILE 2030  
BY LUKAN

A BILL FOR

1 An Act requiring legislative and gubernatorial approval of any  
2 administrative rule with a fiscal impact requiring a fiscal  
3 impact statement.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5416YH (2) 84  
jr/rj



Iowa General Assembly  
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H.F. 2030

1 Section 1. Section 17A.4, subsection 4, Code 2011, is  
2 amended to read as follows:  
3 4. a. Any notice of intended action or rule filed without  
4 notice pursuant to subsection 3, which necessitates additional  
5 annual expenditures of at least one hundred thousand dollars or  
6 combined expenditures of at least five hundred thousand dollars  
7 within five years by all affected persons, including the agency  
8 itself, shall be accompanied by a fiscal impact statement  
9 outlining the expenditures. The agency shall promptly deliver  
10 a copy of the statement to the legislative services agency.  
11 To the extent feasible, the legislative services agency shall  
12 analyze the statement and provide a summary of that analysis  
13 to the administrative rules review committee. If the agency  
14 has made a good faith effort to comply with the requirements  
15 of this subsection, the rule shall not be invalidated on the  
16 ground that the contents of the statement are insufficient or  
17 inaccurate.  
18 b. A rule which is subject to the provisions of paragraph  
19 "a" shall not become effective unless approved by a joint  
20 resolution passed by the general assembly and approved by the  
21 governor.  
22 (1) When such a rule is adopted, the agency shall submit the  
23 adopted rule to the president of the senate and the speaker of  
24 the house of representatives at the next regular session of the  
25 general assembly. The president of the senate and the speaker  
26 of the house shall refer the rule to the appropriate standing  
27 committee of the general assembly.  
28 (2) A standing committee in receipt of such a referred rule  
29 shall review the rule and may sponsor a joint resolution to  
30 approve the rule and specify an effective date for the rule.  
31 c. The administrative code editor shall codify such a rule  
32 in the Iowa administrative code only when a joint resolution  
33 has been enacted approving the rule.

34 EXPLANATION

35 Under the current rulemaking process, a proposed rule which

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1 has a fiscal impact of at least \$100,000 annually or combined  
2 impact of at least \$500,000 within five years by all affected  
3 persons, including the agency itself, must be accompanied by  
4 a fiscal impact statement outlining the expenditures. This  
5 bill provides that an adopted rule which has this impact shall  
6 not become effective unless approved by a joint resolution  
7 passed by the general assembly and approved by the governor.  
8 The adopted rule will be forwarded to the appropriate standing  
9 committees for action. The administrative code editor will  
10 publish the rule in the Iowa administrative code only when a  
11 joint resolution has been enacted approving the rule.



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House File 2031 - Introduced

HOUSE FILE 2031  
BY LUKAN

A BILL FOR

1 An Act relating to the establishment of a state business  
2 information center.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5326YH (5) 84  
ad/sc



Iowa General Assembly  
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H.F. 2031

1     Section 1. NEW SECTION. 15.111 **Business information center**  
2 **— purpose — economic development authority responsibilities.**  
3     1. Facilities and programs are needed by which businesses  
4 seeking to locate or expand in the state and entrepreneurs  
5 creating a business in the state can obtain the necessary  
6 information. The economic development authority shall  
7 establish a state business information center to assist persons  
8 seeking to locate a business, expand an existing business, or  
9 create a business in the state.  
10    2. The state business information center shall provide  
11 businesses and entrepreneurs with the following:  
12    a. Information regarding grants or loans available to assist  
13 businesses in the state.  
14    b. Information regarding state and local tax incentives  
15 available to businesses.  
16    c. Information regarding employer contribution rates  
17 and other information related to the state unemployment  
18 compensation program.  
19    d. Information regarding the state workers' compensation  
20 program.  
21    e. Information regarding health insurance available to  
22 employees and employers.  
23    f. Information regarding applicable state and local  
24 regulations, including permit and license requirements.  
25    g. Other information deemed relevant by the authority.  
26    3. In operating the center, the economic development  
27 authority shall:  
28    a. Consolidate state agency information to provide this  
29 information to businesses and entrepreneurs from a single  
30 source.  
31    b. Consolidate state, regional, and local information to  
32 provide this information to businesses and entrepreneurs from a  
33 single source.  
34    c. Serve as an intermediary between businesses and  
35 entrepreneurs and state and local entities for the distribution

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ad/sc

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1 of information required to be provided pursuant to subsection  
2 2.

3 4. The authority shall establish and maintain an internet  
4 site to provide businesses and entrepreneurs with information  
5 relating to locating a business, expanding a business, or  
6 creating a business in Iowa. The internet site shall contain  
7 contact information for the business information center and  
8 shall also include, at a minimum, the information or a link  
9 by which to access the information required to be provided in  
10 subsection 2.

11 5. The authority shall maintain a telephone line, which  
12 shall be available during regular business hours and which  
13 businesses and entrepreneurs may use to contact the business  
14 information center.

15 6. State agencies shall assist the economic development  
16 authority in compiling the information required in subsections  
17 2 and 3, and in providing access to the information on the  
18 business information center's internet site.

19 EXPLANATION

20 This bill establishes a business information center  
21 under the control of the economic development authority.  
22 The business information center shall provide businesses  
23 and entrepreneurs seeking to locate, create, or expand a  
24 business in Iowa with information on relevant state and local  
25 regulations, state and local government financial assistance  
26 and incentives, the state unemployment compensation program,  
27 the state workers' compensation program, health insurance, and  
28 other information deemed relevant by the authority.

29 The bill requires the economic development authority to  
30 consolidate state agency information and state, regional, and  
31 local information into a single source for businesses and  
32 entrepreneurs and to serve as an intermediary for the provision  
33 of such information. The authority must maintain a telephone  
34 line during regular business hours to provide the information,  
35 and the authority must establish and maintain an internet

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ad/sc

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H.F. 2031

1 site to provide the information, as well as the business  
2 information's center's contact information. State agencies  
3 shall assist the authority in compiling and allowing access to  
4 the information required to be provided to entrepreneurs and  
5 businesses pursuant to the bill.





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House File 2032 - Introduced

HOUSE FILE 2032  
BY LUKAN

A BILL FOR

1 An Act creating an assistant citizens' aide for administrative  
2 rules.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5338YH (2) 84  
jr/rj



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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H.F. 2032

1 Section 1. Section 2C.6, Code 2011, is amended to read as  
2 follows:

3 **2C.6 Deputy — assistant for penal agencies — assistant for**  
4 **administrative rules.**

5 1. The citizens' aide shall designate one of the members of  
6 the staff as the deputy citizens' aide, with authority to act  
7 as citizens' aide when the citizens' aide is absent from the  
8 state or becomes disabled. The citizens' aide may delegate to  
9 members of the staff any of the citizens' aide's authority or  
10 duties except the duty of formally making recommendations to  
11 agencies or reports to the governor or the general assembly.

12 2. The citizens' aide shall appoint an assistant who shall  
13 be primarily responsible for investigating complaints relating  
14 to penal or correctional agencies.

15 3. The citizens' aide shall appoint an assistant who shall  
16 be primarily responsible for investigating complaints relating  
17 to administrative rules of state agencies.

18 EXPLANATION

19 This bill creates a specific assistant in the office of the  
20 citizens' aide/ombudsman to investigate citizen complaints  
21 relating to administrative rules of state agencies.

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jr/rj

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House File 2033 - Introduced

HOUSE FILE 2033  
BY ROGERS

A BILL FOR

1 An Act establishing prerequisites to the performance of an  
2 abortion.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5381YH (3) 84  
pf/nh



Iowa General Assembly  
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H.F. 2033

1 Section 1. **NEW SECTION. 146A.1 Prerequisites for abortion.**

2 1. A physician performing an abortion shall certify in  
3 the woman's medical record all of the following prior to the  
4 performance of an abortion:

5 *a.* That the woman has undergone an ultrasound imaging of the  
6 fetus.

7 *b.* That the woman is given the opportunity to view the  
8 ultrasound image of the fetus.

9 *c.* That the woman is given the option of hearing a  
10 description of the ultrasound image and hearing the heartbeat  
11 of the fetus.

12 2. A physician who does not comply with this section is  
13 subject to license discipline pursuant to section 148.6.

14 3. For the purposes of this section, "*abortion*" means  
15 abortion as defined in section 146.1.

16 **EXPLANATION**

17 This bill requires that prior to performing an abortion,  
18 a physician must certify in the woman's medical record that  
19 the woman has undergone an ultrasound imaging of the fetus;  
20 that the woman is given the opportunity to view the ultrasound  
21 image of the fetus; and that the woman is given the option of  
22 hearing a description of the ultrasound image and hearing the  
23 heartbeat of the fetus. A physician who does not comply with  
24 the requirements is subject to license discipline under Code  
25 section 148.6, which may include a civil penalty not to exceed  
26 \$10,000.



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House File 2034 - Introduced

HOUSE FILE 2034  
BY KRESSIG

A BILL FOR

1 An Act providing a sales tax exemption for sales of textbooks  
2 for a limited time period annually and including an  
3 effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5073YH (1) 84  
mm/sc



Iowa General Assembly  
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H.F. 2034

1 Section 1. Section 423.3, Code Supplement 2011, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 96. *a.* The sales price of new and used  
4 textbooks for use in attending a postsecondary educational  
5 institution if the sale takes place during a period beginning  
6 at 12:01 a.m. on the third Friday in August and ending at  
7 midnight on the following Saturday.

8 *b.* For purposes of this subsection:

9 (1) "*Postsecondary educational institution*" means an  
10 accredited higher education institution as defined in section  
11 261.92, an Iowa community college, a postsecondary educational  
12 institution under the control of the state board of regents, a  
13 school of cosmetology arts and sciences licensed under chapter  
14 157, or a barber school licensed under chapter 158.

15 (2) "*Textbooks*" means books and other printed materials used  
16 in attending a postsecondary educational institution in this  
17 state.

18 *c.* Postsecondary educational institutions are required  
19 to provide the titles of required and recommended textbooks  
20 for all courses and the corresponding authors, publishers,  
21 and international standard book numbers for such textbooks on  
22 the postsecondary educational institution's internet site for  
23 access to all booksellers and all students. The state board  
24 of regents shall designate the format by which the textbook  
25 information shall be provided.

26 *d.* In order to receive the sales tax exemption, a person is  
27 required to show a current official identification card from a  
28 postsecondary educational institution and either the purchaser  
29 or the bookseller must show that a textbook intended to be  
30 purchased is on a list of textbooks provided by a postsecondary  
31 educational institution under paragraph "*c*".

32 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
33 immediate importance, takes effect upon enactment.

34 EXPLANATION

35 This bill provides an annual limited-time sales tax

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H.F. 2034

1 exemption for textbooks used in attending a public or private  
2 Iowa postsecondary educational institution, including licensed  
3 cosmetology and barber schools. "Textbooks" is defined as  
4 books and other printed materials.

5 Postsecondary educational institutions are required to  
6 provide the titles of textbooks for all courses and the  
7 authors, publishers, and corresponding international standard  
8 book numbers for the textbooks on the institution's internet  
9 site in order for all booksellers and students to have access  
10 to the information. The state board of regents is required to  
11 provide the format in which the textbook information must be  
12 provided.

13 In order to qualify for the exemption, the textbook sale  
14 must take place during a period beginning at 12:01 a.m.  
15 on the third Friday in August and ending at midnight on  
16 the following Saturday, and a person must show a current  
17 official identification card from a postsecondary educational  
18 institution and either the purchaser or the bookseller must  
19 show that the textbook intended to be purchased is on an  
20 institution's textbooks list.

21 By operation of Code section 423.6, an item exempt from the  
22 imposition of the sales tax is also exempt from the use tax  
23 imposed in Code section 423.5.

24 The bill takes effect upon enactment.



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House File 2035 - Introduced

HOUSE FILE 2035  
BY BAUDLER

A BILL FOR

1 An Act relating to surety bond requirements for fire  
2 extinguishing system and alarm system contractors and fire  
3 protection system installers and maintenance workers.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5385YH (2) 84  
jr/sc





Iowa General Assembly  
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H.F. 2035

1 Section 1. Section 100C.3, subsection 1, paragraph b, Code  
2 2011, is amended to read as follows:

3 b. Proof of insurance and surety bond coverage required by  
4 section 100C.4.

5 Sec. 2. Section 100C.4, Code 2011, is amended to read as  
6 follows:

7 **100C.4 Insurance and surety bond.**

8 1. A fire extinguishing system contractor shall maintain  
9 general and complete operations liability insurance and  
10 surety bond for the layout, installation, repair, alteration,  
11 addition, maintenance, and inspection of automatic fire  
12 extinguishing systems in an amount determined by the state fire  
13 marshal by rule.

14 2. An alarm system contractor shall maintain general  
15 and complete operations liability insurance and surety bond  
16 for the layout, installation, repair, alteration, addition,  
17 maintenance, and inspection of alarm systems in an amount  
18 determined by the state fire marshal by rule.

19 3. The insurance and surety bond shall be written by  
20 an entity licensed to do business in this state and each  
21 contractor shall maintain on file with the department of public  
22 safety a certificate evidencing the insurance providing that  
23 the insurance or surety bond shall not be canceled without the  
24 entity first giving fifteen days' written notice to the state  
25 fire marshal.

26 Sec. 3. Section 100D.4, Code 2011, is amended to read as  
27 follows:

28 **100D.4 Insurance ~~and surety bond~~ requirements.**

29 1. An applicant for a fire protection system installer and  
30 maintenance worker license or renewal of an active license  
31 shall provide evidence of a public liability insurance policy  
32 ~~and surety bond~~ in an amount determined sufficient by the fire  
33 marshal by rule.

34 2. If the applicant is engaged in fire protection system  
35 installer and maintenance worker work individually through a

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jr/sc

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1 business conducted as a sole proprietorship, the applicant  
2 shall personally obtain the insurance ~~and surety bond~~ required  
3 by this section. If the applicant is engaged in the fire  
4 protection system installer and maintenance worker business as  
5 an employee or owner of a legal entity, then the insurance ~~and~~  
6 ~~surety bond~~ required by this section shall be obtained by the  
7 entity and shall cover all fire protection system installer and  
8 maintenance worker work performed by the entity.

9 3. The insurance ~~and surety bond~~ shall be written by an  
10 entity licensed to do business in this state and each licensee  
11 shall maintain on file with the department a certificate  
12 evidencing the insurance providing that the insurance ~~or surety~~  
13 ~~bond~~ shall not be canceled without the entity first giving  
14 fifteen ~~days~~ days written notice to the fire marshal.

15 EXPLANATION

16 This bill requires surety bonds for fire extinguishing  
17 system and alarm system contractors. Those contractors are  
18 currently required to maintain operations liability insurance.

19 The bill also removes a current surety bond requirement for  
20 fire protection system installers and maintenance workers.



Iowa General Assembly  
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House File 2036 - Introduced

HOUSE FILE 2036  
BY BAUDLER

A BILL FOR

1 An Act requiring drug testing of certain applicants for the  
2 family investment program.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5142YH (4) 84  
jp/nh



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1     Section 1. NEW SECTION.   **239B.2C Applicant drug testing.**  
2     1. If an applicant has been convicted of an offense  
3 involving the manufacture, delivery, or possession of a  
4 controlled substance, or possession with the intent to  
5 manufacture or deliver, or any other offense involving a  
6 controlled substance under federal law or under chapter 124,  
7 124A, 124B, or 453B, during the two-year period preceding the  
8 date of application, the applicant shall be subject to drug  
9 testing in accordance with this section as a condition of  
10 eligibility for assistance.  
11    2. The department shall design and implement a drug testing  
12 program for applicants who are subject to drug testing under  
13 this section. To the extent authorized under applicable  
14 federal requirements, the program shall include but is not  
15 limited to all of the following elements:  
16    a. A blood or urine drug test is performed prior to the  
17 applicant's initial receipt of public assistance.  
18    b. The results of the blood or urine drug test shall not be  
19 admissible in any criminal proceeding without the consent of  
20 the person subject to the test.  
21    c. An applicant who has a confirmed positive drug test  
22 result is ineligible for assistance and shall be prohibited  
23 from reapplying for assistance until one year after the date  
24 of the confirmed positive drug test result. An applicant who  
25 reapplies after having a confirmed positive drug test result is  
26 subject to a drug test at the time of reapplication.  
27    d. Other design, operation, and standards provisions adopted  
28 in rule to ensure the program is implemented in a fair and  
29 economical manner.  
30    3. An applicant shall be ineligible for assistance if any  
31 of the following is applicable:  
32    a. The applicant does not participate in the drug testing  
33 program.  
34    b. The applicant has a confirmed positive drug test result  
35 for the presence of either of the following:

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1 (1) A substance listed in schedule I under section 124.204.

2 (2) A substance listed in schedule II, III, or IV under  
3 chapter 124 that was not prescribed for the applicant.

4 4. If an applicant parent is deemed ineligible for  
5 assistance as a result of having a confirmed positive drug  
6 test result from a drug test conducted under the drug testing  
7 program, all of the following apply:

8 a. The eligibility of the applicant's dependent child for  
9 assistance is not affected.

10 b. An appropriate protective payee shall be designated  
11 to receive assistance on behalf of the dependent child. The  
12 applicant parent may choose to designate an individual as the  
13 protective payee. The individual designated by the applicant  
14 parent as the protective payee must be a specified relative  
15 or other immediate family member unless such family member is  
16 not available or the family member declines the designation.  
17 In which case another individual, approved by the department,  
18 shall be designated as the protective payee. A designated  
19 individual who has been convicted of a controlled substance  
20 offense is subject to the drug testing program under the same  
21 requirements as an applicant before being approved to be the  
22 protective payee. If the designated individual has a confirmed  
23 positive drug test result, the designated individual shall be  
24 ineligible to be the protective payee.

25 5. The department shall adopt rules to implement this  
26 section.

27 EXPLANATION

28 This bill requires certain applicants for the family  
29 investment program (FIP) administered by the department of  
30 human services to participate in a drug testing program. The  
31 FIP program provides cash assistance and employment-related  
32 services to low-income families with children under the federal  
33 temporary assistance for needy families (TANF) block grant.

34 The bill utilizes the following terms that are defined in  
35 Code section 239B.1:

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1 "Applicant" means a person who files an application for  
2 participation in FIP under Code chapter 239B.  
3 "Assistance" means a FIP payment.  
4 "Specified relative" means a person who is, or was at any  
5 time, a relative of an applicant or participant child, by means  
6 of blood relationship, marriage, or adoption, or is a spouse of  
7 a relative listed in the definition.  
8 The drug testing requirement applies only to an applicant  
9 who has been convicted of an offense involving the manufacture,  
10 delivery, or possession of a controlled substance, or  
11 possession with the intent to manufacture or deliver, or any  
12 other offense involving a controlled substance under federal  
13 law or under Code chapter 124 (controlled substances), Code  
14 chapter 124A (imitation controlled substances), Code chapter  
15 124B (precursor substances), or Code chapter 453B (excise tax  
16 on unlawful dealing in certain substances), during the two-year  
17 period preceding the date of application. The drug testing  
18 involves drug or urine testing and must be completed prior to  
19 an applicant receiving assistance.  
20 The results of a blood or urine drug test are not admissible  
21 in any criminal proceeding without the consent of the person  
22 subject to the testing. Other design, operation, and standards  
23 provisions are required to be adopted in rule to ensure the  
24 program is implemented in a fair and economical manner.  
25 An applicant is ineligible for FIP assistance for failure  
26 to participate in the drug testing program or for testing  
27 positive in a blood or urine test administered under the drug  
28 testing program for the presence of either of the following: a  
29 substance listed in schedule I under Code section 124.204 or a  
30 substance listed in schedule II, III, or IV under Code chapter  
31 124 that was not prescribed for the applicant.  
32 If an applicant parent is deemed ineligible for assistance  
33 as a result of having a confirmed positive drug test result,  
34 the dependent child remains eligible for assistance and a  
35 protective payee is to be designated by the parent to receive

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1 the assistance on behalf of the child. If a specified relative  
2 or other immediate family member declines to be designated, the  
3 department must designate the protective payee. The protective  
4 payee is required to participate in the drug testing program  
5 under the same circumstances before being approved to receive  
6 assistance on behalf of the child. A protective payee with a  
7 confirmed positive drug test result is ineligible to receive  
8 assistance on behalf of the child.

9 The department is required to adopt rules to implement the  
10 new requirements.



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House File 2037 - Introduced

HOUSE FILE 2037  
BY BAUDLER

A BILL FOR

1 An Act relating to the issuance of a search warrant to  
2 authorize the placement, tracking, and monitoring of a  
3 global positioning device.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5216YH (6) 84  
jm/rj





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H.F. 2037

1 Section 1. Section 808.1, subsection 1, Code 2011, is  
2 amended to read as follows:

3 1. "*Search warrant*" means an order in writing pursuant  
4 ~~to the requirements of section 808.3~~, in the name of the  
5 state, signed by a magistrate, and directed to a peace officer  
6 commanding the officer to search a person, premises, or thing,  
7 issued pursuant to the requirements of section 808.3, or to  
8 place, track, or monitor a global positioning device, issued  
9 pursuant to the requirements of section 808.3A.

10 Sec. 2. **NEW SECTION. 808.3A Application for search warrant**  
11 **— global positioning device.**

12 A peace officer may make application to a judicial  
13 officer for the issuance of a search warrant to authorize the  
14 placement, tracking, or monitoring of a global positioning  
15 device, supported by a peace officer's oath or affirmation,  
16 which includes facts, information, and circumstances tending to  
17 establish sufficient grounds for granting the peace officer's  
18 application, and probable cause for believing the grounds  
19 exist. Upon a finding of probable cause to issue such a  
20 warrant, the judicial officer shall issue a warrant, signed  
21 by the judicial officer with the judicial officer's name of  
22 office, directed to any peace officer, commanding that the  
23 peace officer place, track, or monitor the global positioning  
24 device.

25 **EXPLANATION**

26 This bill relates to the issuance of a search warrant  
27 authorizing the use of a global positioning device.

28 The bill authorizes a peace officer to make an application  
29 to a judicial officer for the issuance of a search warrant to  
30 authorize the placement, tracking, or monitoring of a global  
31 positioning device, if the application is supported by the  
32 peace officer's oath and affirmation, including other facts and  
33 circumstances that establish sufficient grounds for granting  
34 the peace officer's application, and probable cause for  
35 believing the grounds exist. Upon a finding of probable cause

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1 to issue a search warrant, the judicial officer shall issue the  
2 search warrant, commanding that the peace officer place, track,  
3 or monitor the global positioning device.

4 Current law only allows a special state agent, defined in  
5 Code section 808B.1 as a peace officer of the department of  
6 public safety, to make an application to a judicial officer for  
7 the issuance of a search warrant for the placement, tracking,  
8 or monitoring of a global positioning device in Code section  
9 808B.5(12).



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**House File 2038 - Introduced**

HOUSE FILE 2038  
BY IVERSON and ARNOLD

**A BILL FOR**

1 An Act requiring random drug testing for recipients of  
2 unemployment compensation benefits.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5026YH (2) 84  
je/sc



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H.F. 2038

1 Section 1. Section 96.5, Code 2011, is amended by adding the  
2 following new subsection:

3 NEW SUBSECTION. 11. *Drug testing.* If, pursuant to section  
4 96.5A, the department determines that an individual receiving  
5 benefits has a confirmed positive test result for a drug  
6 that was not lawfully prescribed for the person. The period  
7 of ineligibility shall continue until the individual has a  
8 negative test result for the drug for which the individual had  
9 a confirmed positive test result.

10 Sec. 2. NEW SECTION. 96.5A *Drug testing.*

11 1. For the purposes of this section, unless the context  
12 otherwise requires, "*drug*" means the same as defined in section  
13 730.5.

14 2. As a condition of eligibility for an individual seeking  
15 benefits under this chapter, the individual shall agree to  
16 participate in drug testing in accordance with this section.

17 3. The department shall implement a program of drug testing  
18 of persons subject to subsection 2. The program shall include  
19 but is not limited to all of the following:

20 *a.* Random drug testing of individuals receiving benefits.

21 *b.* Drug testing shall include confirmation of any  
22 initial positive test results. Any confirmatory test shall  
23 be performed using a chromatographic technique such as gas  
24 chromatography/mass spectrometry, or another comparably  
25 reliable analytical method.

26 4. An individual subject to the provisions of subsection 2  
27 who has a confirmed positive test result for a drug that was  
28 not lawfully prescribed for the individual shall be ineligible  
29 for benefits pursuant to section 96.5, subsection 11. The  
30 period of ineligibility shall continue until the individual has  
31 a negative test result for the drug for which the individual  
32 had a confirmed positive test result.

33 5. An individual's positive test result obtained under this  
34 section shall not be used as evidence in any criminal action  
35 involving the individual.

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1     6. The department shall adopt rules to administer this  
2 section. The rules shall include but are not limited to  
3 procedures for conducting drug tests, which shall be consistent  
4 with the requirements for drug testing provided in section  
5 730.5, and such other procedures to administer this section in  
6 a fair and reliable manner.

7                                   EXPLANATION

8     This bill establishes a requirement for random drug testing  
9 of individuals receiving unemployment compensation benefits.

10    The bill defines the term "drug" as having the same meaning  
11 as the definition in Code section 730.5, relating to private  
12 sector drug-free workplaces, which is any drug on schedules  
13 I through V of the federal Controlled Substances Act. In  
14 addition, the bill provides that the drug testing procedures  
15 shall be consistent with the drug testing requirements provided  
16 in Code section 730.5 concerning private sector workplaces.

17    New Code section 96.5A establishes a drug testing  
18 requirement for individuals receiving unemployment compensation  
19 benefits. Code section 96.5 is amended to provide that an  
20 individual is disqualified for unemployment compensation  
21 benefits if the individual has a confirmed positive drug test  
22 which disqualification shall continue until the individual has  
23 a negative test result for that drug.

24    The department of workforce development is required to  
25 implement a drug testing program for the persons subject to the  
26 eligibility requirement. The program is to include random drug  
27 testing of participants. Drug testing includes confirmation of  
28 any positive result with a chromatographic/mass spectrometry  
29 technique or comparable method.

30    The bill prohibits a person's positive test result obtained  
31 under the bill's provisions from being used as evidence in any  
32 criminal action involving the person.

33    The department is directed to adopt rules to administer the  
34 provisions of the bill.



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House Resolution 102 - Introduced

HOUSE RESOLUTION NO. 102

BY COMMITTEE ON ADMINISTRATION AND RULES  
(SUCCESSOR TO HSB 502)

1 A Resolution amending the permanent rules of the House  
2 of Representatives relating to requirements for  
3 consideration of amendments.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That  
5 Rule 31, subsection 8, of the Rules of the House, as  
6 adopted by the House of Representatives during the 2011  
7 Session in House Resolution 11, is amended to read as  
8 follows:

9 8. No amendment to the rules of the house, to any  
10 resolution or bill, except technical amendments and  
11 amendments to bills substituted for by senate files  
12 containing substantially identical title, language,  
13 subject matter, purpose and intrasectional arrangement,  
14 shall be considered by the membership of the house  
15 without a copy of the amendment having been filed  
16 with the chief clerk by 4:00 p.m. or within one-half  
17 hour of adjournment, whichever is later, on the day  
18 preceding floor debate on the amendment. If the  
19 house adjourns prior to 2:00 p.m. on Friday, the final  
20 deadline is two hours after adjournment. However,  
21 committee amendments filed pursuant to the submission  
22 of the committee report may be accepted after this  
23 deadline. This provision shall not apply to any  
24 proposal debated on the floor of the house after  
25 the thirteenth week of the first session and the  
26 ~~twelfth~~ eleventh week of the second session. No  
27 amendment or amendment to an amendment to a bill,

LSB 5433HV (1) 84

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1 rule of the house, or resolution shall be considered  
2 by the membership of the house without a copy of the  
3 amendment being on the desks of the entire membership  
4 of the house prior to consideration. However, the  
5 membership of the house may consider an amendment or an  
6 amendment to an amendment to a bill, rule of the house,  
7 or resolution without a copy of the amendment being  
8 on the desks of the entire membership of the house  
9 prior to consideration if a copy of the amendment is  
10 made available to the entire membership of the house  
11 electronically.

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House Study Bill 517 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR'S BILL)

A BILL FOR

1 An Act relating to programs and activities under the purview of  
2 the department of education, the state board of education,  
3 the board of educational examiners, school districts,  
4 and accredited nonpublic schools; and providing for the  
5 retention of certain fees and for the use of certain funds.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5398XL (18) 84  
kh/rj





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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 DIVISION I  
2 COMPETENCY-BASED INSTRUCTION  
3 Section 1. Section 256.7, subsection 26, paragraph a,  
4 Code Supplement 2011, is amended by adding the following new  
5 subparagraph:  
6 NEW SUBPARAGRAPH. (02) The rules shall allow a school  
7 district or accredited nonpublic school to award high school  
8 credit to a student upon the demonstration of required  
9 competencies for a course or content area, as approved by  
10 an appropriately licensed teacher. The school district or  
11 accredited nonpublic school shall determine the assessment  
12 methods by which a student demonstrates sufficient evidence of  
13 the required competencies.  
14 Sec. 2. Section 256.11, subsection 5, unnumbered paragraph  
15 1, Code 2011, is amended to read as follows:  
16 ~~In grades nine through twelve, a unit of credit consists~~  
17 ~~of a course or equivalent related components or partial units~~  
18 ~~taught throughout the academic year.~~ The minimum program to be  
19 offered and taught for grades nine through twelve is:  
20 Sec. 3. Section 256.11, Code 2011, is amended by adding the  
21 following new subsection:  
22 NEW SUBSECTION. 5A. a. As used in subsection 5, "unit"  
23 means a course which meets one of the following criteria:  
24 (1) The course is taught for at least two hundred minutes  
25 per week for thirty-six weeks.  
26 (2) The course is taught for the equivalent of one hundred  
27 twenty hours of instruction.  
28 b. A student shall receive a unit of credit or a partial  
29 unit of credit upon successful completion of a course  
30 which meets one of the criteria in paragraph "a" or related  
31 components equivalent to a course which meets one of the  
32 criteria in paragraph "a". A partial unit of credit shall be  
33 calculated in a manner consistent with this subsection. A  
34 student may receive credit on a performance basis through the  
35 administration of an assessment, provided the assessment covers



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1 the competencies ordinarily included in the regular course.

2 DIVISION II

3 CORE CURRICULUM FRAMEWORK AND CORE CONTENT STANDARDS

4 Sec. 4. Section 256.7, subsection 26, paragraph a, Code  
5 Supplement 2011, is amended to read as follows:

6 a. Adopt rules that establish a core curriculum and high  
7 school graduation requirements for all students in school  
8 districts and accredited nonpublic schools that include at a  
9 minimum satisfactory completion of four years of English and  
10 language arts, three years of mathematics, three years of  
11 science, and three years of social studies.

12 (1) The rules establishing high school graduation  
13 requirements shall authorize a school district or  
14 accredited nonpublic school to consider that any student who  
15 satisfactorily completes a high school-level unit ~~of English~~  
16 ~~or language arts, mathematics, science, or social studies~~ has  
17 satisfactorily completed a unit of the high school graduation  
18 requirements for that area as specified in this ~~lettered~~  
19 paragraph "a", and shall authorize the school district or  
20 accredited nonpublic school to issue high school credit for the  
21 unit to the student.

22 (2) The rules establishing a core curriculum shall address  
23 the core content standards in subsection 28 and the skills and  
24 knowledge students need to be successful in the twenty-first  
25 century. ~~The core curriculum shall include, including but not~~  
26 limited to English and language arts, mathematics, science,  
27 social studies and twenty-first century learning skills which  
28 include but are not limited to, music and other fine arts,  
29 applied arts, foreign languages, physical education, character  
30 education, entrepreneurship education, civic literacy,  
31 health literacy, technology literacy, financial literacy, and  
32 employability skills; and shall address the curricular needs of  
33 students in kindergarten through grade twelve in those areas.  
34 The department shall further define the twenty-first century  
35 learning skills components by rule.



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1     Sec. 5. Section 256.9, Code Supplement 2011, is amended by  
2 adding the following new subsections:  
3     NEW SUBSECTION. 62. Appoint members to the core curriculum  
4 framework and core content standards advisory council  
5 established in section 256.41. The director may establish  
6 objectives for the council in accordance with section 256.41.  
7     NEW SUBSECTION. 63. *a.* Create and disseminate to school  
8 districts, charter schools, and accredited nonpublic schools  
9 a model curriculum that is directly tied to the goals,  
10 outcomes, and assessment strategies identified in the core  
11 content standards. The model curriculum shall identify a  
12 developmentally appropriate scope and sequence of instruction  
13 applicable to the core content standards, instructional  
14 material resources, and teaching and assessment strategies.  
15 The model curriculum shall provide guidance to school districts  
16 and schools and expand on the core content standards. The  
17 model curriculum shall be modified as necessary to incorporate  
18 the core curriculum framework developed pursuant to paragraph  
19 "b".  
20     *b.* Develop by July 1, 2015, a core curriculum framework  
21 aligned to the core curriculum standards established pursuant  
22 to section 256.7, subsection 26.  
23     Sec. 6. NEW SECTION. 256.41 Core curriculum framework and  
24 core content standards advisory council.  
25     1. A core curriculum framework and core content standards  
26 advisory council is established under the department.  
27     2. The advisory council shall consist of no less than seven  
28 members appointed by the director in accordance with sections  
29 69.16, 69.16A, and 69.16C. Members shall serve at the pleasure  
30 of the director.  
31     3. The department is the primary agency responsible for  
32 providing administrative personnel and services for the  
33 advisory council.  
34     4. Members shall elect a chair annually and other officers  
35 as the members determine. Members shall establish rules of



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1 procedure for the advisory council.

2 5. The advisory council shall meet at least quarterly and at  
3 the call of the chair.

4 6. Members of the advisory council shall serve without  
5 compensation but may be reimbursed for actual expenses incurred  
6 in the performance of their duties.

7 7. The advisory council shall review the core curriculum,  
8 the core content standards, and the model curriculum adopted  
9 pursuant to section 256.7, subsections 26, 28, and 63 upon  
10 request of the director and make recommendations to the  
11 director regarding a core curriculum framework and any  
12 necessary changes to the core curriculum content standards and  
13 model curriculum. In making recommendations, the advisory  
14 council shall seek to further the goals of the core content  
15 standards and any objectives established by the director.

16 DIVISION III

17 PARENT ADVOCACY NETWORK

18 Sec. 7. Section 256.9, Code Supplement 2011, is amended by  
19 adding the following new subsection:

20 NEW SUBSECTION. 66. Establish a statewide parent  
21 advocacy network to create an integrated, accessible set of  
22 community-wide resources to support learning and development  
23 by July 1, 2013. The statewide parent advocacy network shall  
24 include at least one parent representative from each school  
25 district in the state. The director shall coordinate with the  
26 board of directors of each public school district to facilitate  
27 the establishment and maintenance of the statewide parent  
28 advocacy network.

29 Sec. 8. NEW SECTION. 279.68 Statewide parent advocacy  
30 network.

31 The board of directors of each public school district shall  
32 coordinate with the director of the department of education to  
33 facilitate the establishment and maintenance of a statewide  
34 parent advocacy network pursuant to section 256.9, subsection  
35 66. The board of directors of each public school district



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1 shall assist the director of the department of education in  
2 identifying at least one representative from each school  
3 district in the state to serve on the statewide parent advocacy  
4 network.

5 DIVISION IV

6 TEACHER AND ADMINISTRATOR PERFORMANCE

7 Sec. 9. Section 256.7, Code Supplement 2011, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 31. *a.* By January 1, 2013, adopt rules  
10 establishing Iowa teaching and administration standards  
11 that are aligned with best practices and nationally accepted  
12 standards.

13 *b.* By July 1, 2013, adopt by rule statewide teacher  
14 evaluation system and statewide administrator evaluation system  
15 pilot programs which shall be implemented during the 2013-2014  
16 school year. This paragraph is repealed July 1, 2015.

17 Sec. 10. Section 256.9, Code Supplement 2011, is amended by  
18 adding the following new subsection:

19 NEW SUBSECTION. 64. *a.* Develop a statewide teacher  
20 evaluation system and a statewide administrator evaluation  
21 system that school districts, charter schools, and accredited  
22 nonpublic schools shall use to standardize the instruments  
23 and processes used to evaluate teachers and administrators  
24 throughout the state.

25 *b.* The components of the statewide teacher evaluation system  
26 shall include but not be limited to the following:

- 27 (1) Direct observation of classroom teaching behaviors.  
28 (2) Strong consideration of student outcome measures, when  
29 available for tested subjects and grades, to validate direct  
30 observation of classroom teaching behaviors.  
31 (3) Integration of the Iowa teaching standards.  
32 (4) System applicability to teachers in all content areas  
33 taught in a school.

34 Sec. 11. Section 284.3, Code 2011, is amended by adding the  
35 following new subsection:

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1 NEW SUBSECTION. 4. This section is repealed July 1, 2013.

2 Sec. 12. Section 284.4, subsection 1, paragraph e, Code  
3 2011, is amended to read as follows:

4 e. (1) Adopt a teacher evaluation plan that, at minimum,  
5 requires ~~a~~ an annual performance review of teachers in the  
6 district ~~at least once every three years~~ based upon the Iowa  
7 teaching standards and individual professional development  
8 plans in accordance with section 284.8, and requires  
9 administrators to complete evaluator training in accordance  
10 with section 284.10.

11 (2) Adopt, by July 1, 2014, the statewide teacher evaluation  
12 system developed pursuant to section 256.9, subsection 64.  
13 However, the school district may develop and submit to the  
14 department for approval an alternative teacher evaluation  
15 system that meets local and state educational goals. In lieu  
16 of the statewide teacher evaluation system, the school district  
17 may adopt and implement the alternative teacher evaluation  
18 system upon receiving approval from the department.

19 Sec. 13. Section 284.8, subsections 1 and 2, Code 2011, are  
20 amended to read as follows:

21 1. A school district shall provide for an annual  
22 review a of each teacher's performance ~~at least once every~~  
23 ~~three years~~ for purposes of assisting teachers in making  
24 continuous improvement, documenting continued competence in  
25 the Iowa teaching standards, identifying teachers in need of  
26 improvement, or to determine whether the teacher's practice  
27 meets school district expectations for career advancement in  
28 accordance with section 284.7. The review shall be conducted  
29 by at least one evaluator certified in accordance with section  
30 284.10, and shall include, at minimum, classroom observation  
31 of the teacher, the teacher's progress, and implementation of  
32 the teacher's individual professional development plan, subject  
33 to the level of resources provided to implement the plan; and  
34 shall include supporting documentation from parents, students,  
35 and other teachers.



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1     2. If, as a result of a review conducted pursuant to  
2 subsection 1, a supervisor or an evaluator determines, ~~at any~~  
3 ~~time, as a result of a teacher's performance~~ that the a teacher  
4 is not meeting district expectations under the Iowa teaching  
5 standards specified in section 284.3, subsection 1, paragraphs  
6 "a" through "h" established by the state board by rule, the  
7 criteria for the Iowa teaching standards developed by the  
8 department in accordance with section 256.9, subsection 46, and  
9 any other standards or criteria established in the collective  
10 bargaining agreement, the evaluator shall, at the direction of  
11 the teacher's supervisor, recommend to the district that the  
12 teacher participate in an intensive assistance program. The  
13 intensive assistance program and its implementation are subject  
14 to negotiation and grievance procedures established pursuant to  
15 chapter 20. All school districts shall be prepared to offer an  
16 intensive assistance program.

17     Sec. 14. Section 284A.7, Code 2011, is amended to read as  
18 follows:

19     **284A.7 Evaluation requirements for administrators.**

20     1. A school district shall conduct an annual evaluation  
21 of an administrator who holds a professional administrator  
22 license issued under ~~chapter 272 at least once every three~~  
23 years chapter 256 for purposes of assisting the administrator  
24 in making continuous improvement, documenting continued  
25 competence in the Iowa standards for school administrators  
26 adopted pursuant to section 256.7, subsection 27, or to  
27 determine whether the administrator's practice meets school  
28 district expectations. The review shall include, at a minimum,  
29 an assessment of the administrator's competence in meeting  
30 the Iowa standards for school administrators and the goals of  
31 the administrator's individual professional development plan,  
32 including supporting documentation or artifacts aligned to the  
33 Iowa standards for school administrators and the individual  
34 administrator's professional development plan.

35     2. Adopt the statewide administrator evaluation system



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1 developed pursuant to section 256.9, subsection 64. However,  
2 the school district may develop and submit to the department  
3 for approval an alternative administrator evaluation system  
4 that meets local and state educational goals. In lieu of  
5 the statewide administrator evaluation system, the school  
6 district may adopt and implement the alternative administrator  
7 evaluation system upon receiving approval from the department.

8     Sec. 15. STATEWIDE EDUCATOR EVALUATION SYSTEM TASK  
9 FORCE. The director of the department of education shall  
10 appoint, and provide staffing services for, a task force to  
11 conduct a study regarding a statewide teacher evaluation  
12 system and a statewide administrator evaluation system. The  
13 study of a statewide teacher evaluation system shall include a  
14 review of student outcome measures described in section 256.9,  
15 subsection 64, paragraph "b", subparagraph (2). To the extent  
16 possible, appointments shall be made to provide geographical  
17 area representation and to comply with sections 69.16, 69.16A,  
18 and 69.16C. The task force, at a minimum, shall include in its  
19 recommendations and proposal a tiered evaluation system that  
20 differentiates ineffective, minimally effective, effective, and  
21 highly effective performance by teachers and administrators.  
22 The task force shall submit its findings, recommendations, and  
23 a proposal for each system to the state board of education by  
24 October 15, 2012.

25     Sec. 16. TEACHER PERFORMANCE, COMPENSATION, AND CAREER  
26 DEVELOPMENT TASK FORCE.

27     1. The director of the department of education shall  
28 appoint, and provide staffing services for, a teacher  
29 performance, compensation, and career development task force  
30 to develop recommendations for a new teacher compensation  
31 system to replace the current teacher compensation system which  
32 addresses, at a minimum, the following:

33         a. The duties and responsibilities of apprentice, career,  
34 mentor, and master teachers.

35         b. Utilizing retired teachers as mentors.

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1 c. Strategic and meaningful uses of finite resources and the  
2 realignment of resources currently available.

3 d. Mechanisms to substantially increase the average salary  
4 of teachers who assume leadership roles within the profession.

5 e. Standardizing implementation of task force  
6 recommendations in all of Iowa's school districts and public  
7 charter schools.

8 2. The director of the department of education shall appoint  
9 and provide staffing services for a task force whose members  
10 shall represent teachers, parents, school administrators,  
11 and business and community leaders. Insofar as practicable,  
12 appointments shall be made to provide geographical area  
13 representation and to comply with sections 69.16, 69.16A, and  
14 69.16C.

15 3. The state board of education shall consider the findings  
16 and recommendations of the task force when adopting rules  
17 establishing Iowa teaching standards pursuant to this Act.

18 4. The task force shall submit its findings and  
19 recommendations in a report to the state board of education,  
20 the governor, and the general assembly by October 15, 2012.

21 Sec. 17. REPEAL. Section 284.14A, Code 2011, is repealed.

22 Sec. 18. EFFECTIVE UPON ENACTMENT. The sections of  
23 this division of this Act providing for the appointment of  
24 the statewide educator evaluation system task force and the  
25 appointment of the teacher performance, compensation, and  
26 career development task force, being deemed of immediate  
27 importance, take effect upon enactment.

28 DIVISION V

29 INNOVATION ACCELERATION PROGRAM — FUND

30 Sec. 19. NEW SECTION. 256.65 Innovation acceleration  
31 program — fund.

32 1. An innovation acceleration program is established  
33 in the department to be administered by the department to  
34 provide competitive grants to applicants with a record of  
35 improving student achievement and educational attainment in



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1 order to expand the implementation of, and investment in,  
2 innovative practices that are demonstrated to have an impact  
3 on improving student achievement or student growth, closing  
4 achievement gaps, decreasing dropout rates, increasing parental  
5 involvement, increasing attendance rates, increasing high  
6 school graduation rates, or increasing college and career  
7 program enrollment and completion rates. The state board shall  
8 adopt rules relating to applicant eligibility, application  
9 procedures, and awarding of grants.

10 2. The program shall be designed to enable grantees to  
11 accomplish all of the following:

12 a. Expand and develop innovative practices that can serve as  
13 models of best practices.

14 b. Work in partnership with the private sector,  
15 community-based organizations, and the philanthropic community.

16 c. Identify and document best practices that can be shared  
17 and expanded based on demonstrated success.

18 3. An innovation acceleration fund is created in the state  
19 treasury under the control of the department. The fund shall  
20 be administered by the director and shall consist of all moneys  
21 deposited in the fund, including any moneys appropriated by the  
22 general assembly and any other moneys available to and obtained  
23 or accepted by the department from local, state, federal, or  
24 private sources for purposes of the innovation acceleration  
25 program. Notwithstanding section 8.33, moneys in the fund at  
26 the end of a fiscal year shall not revert to the general fund  
27 of the state. Notwithstanding section 12C.7, subsection 2,  
28 interest or earnings on moneys in the fund shall be credited  
29 to the fund.

30 DIVISION VI

31 ONLINE LEARNING

32 Sec. 20. Section 256.7, subsection 8, Code Supplement 2011,  
33 is amended by striking the subsection and inserting in lieu  
34 thereof the following:

35 8. Adopt rules providing for the establishment of an online

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1 learning program model. For purposes of this section and  
2 sections 256.9 and 256.27, "online learning" means educational  
3 instruction and content which is delivered primarily over the  
4 internet. "Online learning" does not include printed-based  
5 correspondence education, broadcast television or radio,  
6 videocassettes, or stand-alone educational software programs  
7 that do not have a significant internet-based instructional  
8 component.

9 Sec. 21. Section 256.9, Code Supplement 2011, is amended by  
10 adding the following new subsection:

11 NEW SUBSECTION. 65. a. Develop and establish an online  
12 learning program model in accordance with rules adopted  
13 pursuant to section 256.7, subsection 8.

14 b. Grant a waiver to school districts, charter schools,  
15 and accredited nonpublic schools that implement an online  
16 learning program aligned with the program model developed and  
17 established pursuant to this subsection. A school district or  
18 school seeking a waiver pursuant to this paragraph shall submit  
19 a plan for an online learning program to the director for  
20 approval. A school district or school whose online learning  
21 program plan is approved by the director may be granted a  
22 waiver only for purposes of implementing the approved online  
23 learning program. The standards that may be waived pursuant to  
24 this paragraph are as follows:

25 (1) The minimum number of instructional days required  
26 pursuant to section 279.10, subsection 1, and the minimum  
27 number of instructional hours required pursuant to section  
28 256.7, subsection 19. Notwithstanding any provision to the  
29 contrary, the waiver may exempt school districts and schools  
30 from any statutory requirement that students be physically  
31 present in a school building and under the guidance and  
32 instruction of the instructional professional staff employed by  
33 the school district or the school except as necessary under the  
34 rules adopted pursuant to section 256.7, subsection 8.

35 (2) Any statutory requirement that a subject being studied

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1 by a student enrolled in an approved online learning program be  
2 a subject that is offered and taught by the professional staff  
3 of the school district or school.

4     *c.* Require that the school district or school granted a  
5 waiver pursuant to paragraph “*b*” implement and incorporate  
6 into its comprehensive school improvement plan required under  
7 section 256.7, subsection 21, accountability measures designed  
8 to demonstrate that academic credit is awarded based upon  
9 successful completion of content or achievement of competencies  
10 by students enrolled in the approved online learning program.

11     *d.* Establish criteria for school districts or schools to  
12 use when choosing providers of online learning to meet the  
13 online learning program requirements specified in rules adopted  
14 pursuant to section 256.7, subsection 8.

15     Sec. 22. NEW SECTION. **256.27 Online learning program model.**

16     1. *Online learning program model established.* The director,  
17 pursuant to section 256.9, subsection 65, shall establish an  
18 online learning program model that provides for the following:

19     *a.* Online access to high-quality content, instructional  
20 materials, and blended learning.

21     *b.* Coursework customized to the needs of the student using  
22 online content.

23     *c.* A means for a student to demonstrate competency in  
24 completed online coursework.

25     *d.* High-quality online instruction taught by appropriately  
26 licensed teachers.

27     *e.* Online content and instruction evaluated on the basis of  
28 student learning outcomes.

29     *f.* Use of funds available for online learning for program  
30 development, implementation, and innovation.

31     *g.* Infrastructure that supports online learning.

32     *h.* Online administration of online course assessments.

33     2. *Online learning program waiver application.* A school  
34 district, charter school, or accredited nonpublic school may  
35 apply to the department for a waiver to implement an online

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1 learning program pursuant to section 256.9, subsection 65.  
2 3. *Private providers.* At the discretion of the school board  
3 or authorities in charge of an accredited nonpublic school,  
4 after consideration of circumstances created by necessity,  
5 convenience, and cost-effectiveness, courses developed by  
6 private providers may be utilized by the school district or  
7 school in implementing a high-quality online learning program.  
8 Courses obtained from private providers shall be taught by  
9 teachers licensed under this chapter.

10 4. *Grading.* Grades in online courses shall be based,  
11 at a minimum, on whether a student mastered the subject,  
12 demonstrated competency, and met the standards established  
13 by the school district. Grades shall be conferred by  
14 appropriately licensed teachers only.

15 5. *Accreditation criteria.* All online courses and programs  
16 shall meet existing accreditation standards.

17 Sec. 23. Section 256.33, subsection 1, Code 2011, is amended  
18 to read as follows:

19 1. The department shall consort with school districts,  
20 area education agencies, community colleges, and colleges  
21 and universities ~~to provide assistance to them~~ in the use  
22 of educational technology for instruction purposes. The  
23 department shall consult with the advisory committee on  
24 telecommunications, established in section 256.7, subsection 7,  
25 and other users of educational technology on the development  
26 and operation of programs under this section, section 256.9,  
27 subsection 65, and section 256.27.

28 DIVISION VII

29 EDUCATIONAL STANDARDS EXEMPTIONS

30 Sec. 24. Section 256.11, subsection 8, Code 2011, is amended  
31 to read as follows:

32 8. a. Upon request of the ~~board of directors of a public~~  
33 ~~school district or the~~ authorities in charge of a nonpublic  
34 school, the director may, for a number of years to be specified  
35 by the director, grant the ~~district board or the~~ authorities

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1 in charge of the nonpublic school exemption from one or more  
2 of the requirements of the educational program specified in  
3 subsection 5. The exemption may be renewed. Exemptions  
4 shall be granted only if the director deems that the request  
5 made is an essential part of a planned innovative curriculum  
6 project which the director determines will adequately meet  
7 the educational needs and interests of the pupils and be  
8 broadly consistent with the intent of the educational program  
9 as defined in subsection 5. The request for exemption shall  
10 include all of the following:

11 ~~a.~~ (1) Rationale of the project to include supportive  
12 research evidence.

13 ~~b.~~ (2) Objectives of the project.

14 ~~c.~~ (3) Provisions for administration and conduct of the  
15 project, including the use of personnel, facilities, time,  
16 techniques, and activities.

17 ~~d.~~ (4) Plans for evaluation of the project by testing  
18 and observational measures of pupil progress in reaching the  
19 objectives.

20 ~~e.~~ (5) Plans for revisions of the project based on  
21 evaluation measures.

22 ~~f.~~ (6) Plans for periodic reports to the department.

23 ~~g.~~ (7) The estimated cost of the project.

24 b. Upon request of the board of directors of a public  
25 school district, the director may, for a number of years to be  
26 specified by the director, grant the district board exemption  
27 from one or more of the requirements of the educational program  
28 specified in this section if the school district complies with  
29 the requirements set forth in section 256F.4, subsection 2,  
30 paragraphs "a" through "m", the request for exemption includes  
31 the components specified in paragraph "a", subparagraphs (1)  
32 through (7), and the director deems that the request made is an  
33 essential part of a planned innovative curriculum project which  
34 the director determines will adequately meet the educational  
35 needs and interests of the pupils and be broadly consistent

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1 with the intent of the educational program as defined in this  
2 section.

3 c. The director shall submit a report by February 1,  
4 annually, to the state board, the governor, and the general  
5 assembly that lists all of the exemptions granted pursuant to  
6 this subsection and the reasons for which each exemption was  
7 granted by the director.

8

DIVISION VIII

9

EDUCATOR IDENTIFIER SYSTEM AND EDUCATION

10

PLACEMENT CLEARINGHOUSE

11 Sec. 25. NEW SECTION. **256.28 Educator identifier system and**  
12 **education placement clearinghouse.**

13 1. For purposes of this section, unless the context  
14 otherwise requires:

15 a. "Educator" means a teacher or principal.

16 b. "Principal" means the same as defined in section 256.100,  
17 subsection 10.

18 c. "Teacher" means the same as defined in section 256.100,  
19 subsection 17.

20 2. Subject to an appropriation of sufficient funds by the  
21 general assembly, there is established within the department  
22 an educator identifier system and an education placement  
23 clearinghouse for use by all educators and potential educators  
24 and by Iowa's school districts, area education agencies,  
25 charter schools, and accredited nonpublic schools.

26 3. The educator identifier system shall be designed for the  
27 purposes of providing information for the following uses:

28 a. Studying teacher shortage areas and identifying any  
29 possible solutions.

30 b. Studying practitioner preparation programs, educator  
31 professional development programs, and educator mobility and  
32 retention issues.

33 c. Improving teaching and student learning, including the  
34 use of data to recognize, reward, and develop the careers of  
35 individual educators.

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- 1     *d.* Collecting data for use in developing a longitudinal data  
2 system that may be used with the educator identifier system to  
3 match educators to students.
- 4     *e.* Allowing the state to gather baseline data about the  
5 distribution of highly qualified teachers, including the number  
6 and percent of teachers employed in schools in the state with  
7 the highest-poverty and lowest-poverty levels, and to take  
8 actions to address any inequities in the distribution of highly  
9 qualified teachers throughout the state.
- 10    *f.* Enabling teachers to enhance student instruction through  
11 the use of performance and longitudinal growth data.
- 12    4. A person who applies for or holds a license issued under  
13 chapter 256 shall be assigned a unique identifier under the  
14 educator identifier system.
- 15    5. The unique identifier shall not use any personal  
16 identifying information, such as social security numbers or  
17 contact information, except for alignment purposes in data  
18 processing. Any such personal identifying information that  
19 is collected for alignment purposes shall be maintained in a  
20 secure data location so data sets can be matched based on the  
21 personal identifying information when the identifier is not  
22 included.
- 23    6. The educator identifier system shall include, at a  
24 minimum, all of the following protections for educators, school  
25 districts, area education agencies, charter schools, and  
26 practitioner preparation programs:
- 27     *a.* The use of information that a school district, area  
28 education agency, or charter school obtains from any other  
29 source shall not be restricted by the provisions of this  
30 subsection.
- 31     *b.* This subsection does not restrict the authority of a  
32 school district, area education agency, or charter school to  
33 do any of the following:
- 34       (1) Assign individual educators to specific grades, levels,  
35 programs, or schools.





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1       (2) Direct the professional development of individual  
2 educators.  
3       (3) Collaboratively design and develop, with representation  
4 from the teachers and principals employed by the school  
5 district, area education agency, and charter school,  
6 alternative compensation plans through the procedures adopted  
7 by the school district, area education agency, or charter  
8 school for setting educator compensation.  
9       *c.* The director, after consultation with practitioner  
10 preparation programs, shall establish protocols for the release  
11 of system data relating to graduates to their respective  
12 practitioner preparation programs for the purpose of program  
13 evaluation. Protocols shall comply with all federal laws.  
14       *d.* The department may use system data to preliminarily  
15 identify practices that show promise of improving student  
16 outcomes or educator performance, if the practices are verified  
17 by additional evidence.  
18       *e.* The system shall comply with all state and federal  
19 privacy laws in order to ensure the confidentiality and  
20 appropriate uses of information included in the system.  
21 Aggregate, nonidentifying information obtained from the  
22 system shall be made available at multiple levels, including  
23 state, school district, area education agency, charter school,  
24 practitioner preparation program, nongovernmental entity,  
25 and individual levels, through varying degrees of access, as  
26 designated by the director.  
27       7. Notwithstanding any provisions of this section to the  
28 contrary, a school district, charter school, or area education  
29 agency may use the system to merge, manage, or access any  
30 information that it is otherwise authorized to obtain and  
31 the use of such information shall not be restricted in any  
32 way that is otherwise permitted by federal or state statute.  
33 Information obtained through the system that school districts,  
34 charter schools, or area education agencies are not otherwise  
35 authorized to obtain may be used to achieve the purposes



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1 described in subsection 3, so long as it is not used in any way  
2 inconsistent with the protections set out in subsection 6.

3 8. The education placement clearinghouse shall be designed  
4 and implemented for the posting of all education job openings  
5 offered by the school districts, area education agencies,  
6 charter schools, and accredited nonpublic schools in the state.

7 a. School districts, area education agencies, charter  
8 schools, and accredited nonpublic schools shall submit their  
9 education job openings to the department for posting on the  
10 department's internet site.

11 b. An applicant shall apply once to the department, upon  
12 forms furnished or made available in electronic form and  
13 prescribed by the director, and shall indicate the applicant's  
14 job interests, including but not limited to regions of  
15 interest, levels or areas of endorsement and licensure, and  
16 interests in current job postings on the department's internet  
17 site. Only applicants who apply and meet requirements of this  
18 paragraph are eligible to be interviewed for a job opening  
19 posted pursuant to paragraph "a". The director shall provide  
20 applicants with an option to update the information submitted  
21 in accordance with this paragraph.

22 c. The director shall develop and implement a screening  
23 process to identify high-quality educators that uses but is  
24 not limited to the data collected from the educator identifier  
25 system.

26 d. A school district, area education agency, charter school,  
27 or accredited nonpublic school that interviews an applicant  
28 pursuant to paragraph "b" may request information from the  
29 applicant that was not collected and is not maintained by the  
30 clearinghouse, but shall not ask an applicant for information  
31 that duplicates information collected from the applicant and  
32 maintained by the clearinghouse.

33 e. This subsection shall not be construed to discourage  
34 a school district, area education agency, charter school, or  
35 accredited nonpublic school from advertising, or from otherwise

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1 making known, the positions available through the education  
2 placement clearinghouse.

3 DIVISION IX

4 CLASS SHARING AGREEMENTS

5 Sec. 26. Section 257.11, subsection 3, Code 2011, is amended  
6 by adding the following new paragraph:

7 NEW PARAGRAPH. c. A school district that collaborates with  
8 a community college to provide a college-level class that uses  
9 an activities-based, project-based, and problem-based learning  
10 approach and that is offered through a partnership with a  
11 nationally recognized provider of rigorous and innovative  
12 science, technology, engineering, and mathematics curriculum  
13 for schools, which provider is exempt from taxation under  
14 section 501(c)(3) of the Internal Revenue Code, is eligible to  
15 receive additional weighting under a supplementary weighting  
16 plan adopted pursuant to this subsection.

17 DIVISION X

18 STATE BOARD OF EDUCATION LICENSURE PROVISIONS

19 Sec. 27. NEW SECTION. 256.100 Definitions.

20 As used in this subchapter, unless the context otherwise  
21 requires:

22 1. "Administrator" means a person who is licensed to  
23 coordinate, supervise, or direct an educational program or the  
24 activities of other practitioners.

25 2. "Board" means the board of educational examiners.

26 3. "Certificate" means limited recognition to perform  
27 instruction and instruction-related duties in school, other  
28 than those duties for which practitioners are licensed. A  
29 certificate is nonexclusive recognition and does not confer the  
30 exclusive authority of a license.

31 4. "License" means the authority that is given to allow  
32 a person to legally serve as a practitioner, a school, an  
33 institution, or a course of study to legally offer professional  
34 development programs, other than those programs offered by  
35 practitioner preparation schools, institutions, courses of

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1 study, or area education agencies. A license is the exclusive  
2 authority to perform these functions.

3 5. "*Paraeducator*" means a person who is certified to assist  
4 a teacher in the performance of instructional tasks to support  
5 and assist classroom instruction and related school activities.

6 6. "*Practitioner*" means an administrator, teacher, or other  
7 licensed professional, including an individual who holds a  
8 statement of professional recognition, who provides educational  
9 assistance to students.

10 7. "*Practitioner preparation program*" means a program  
11 approved by the state board which prepares a person to obtain a  
12 license as a practitioner.

13 8. "*Principal*" means a licensed member of a school's  
14 instructional staff who serves as an instructional leader,  
15 coordinates the process and substance of educational and  
16 instructional programs, coordinates the budget of the school,  
17 provides formative evaluation for all practitioners and other  
18 persons in the school, recommends or has effective authority  
19 to appoint, assign, promote, or transfer personnel in a school  
20 building, implements the local school board's policy in a  
21 manner consistent with professional practice and ethics, and  
22 assists in the development and supervision of a school's  
23 student activities program.

24 9. "*Professional development program*" means a course or  
25 program which is offered by a person or agency for the purpose  
26 of providing continuing education for the renewal or upgrading  
27 of a practitioner's license.

28 10. "*School*" means a school under section 280.2, an area  
29 education agency, and a school operated by a state agency for  
30 special purposes.

31 11. "*School administration manager*" means a person who  
32 is authorized to assist a school principal in performing  
33 noninstructional administrative duties.

34 12. "*School service personnel*" means those persons holding  
35 a practitioner's license who provide support services for a

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1 student enrolled in school or to practitioners employed in a  
2 school.

3 13. "*State board*" means the state board of education.

4 14. "*Student*" means a person who is enrolled in a course of  
5 study at a school or practitioner preparation program, or who  
6 is receiving direct or indirect assistance from a practitioner.

7 15. "*Superintendent*" means an administrator who promotes,  
8 demotes, transfers, assigns, or evaluates practitioners or  
9 other personnel, and carries out the policies of a governing  
10 board in a manner consistent with professional practice and  
11 ethics.

12 16. "*Teacher*" means a licensed member of a school's  
13 instructional staff who diagnoses, prescribes, evaluates,  
14 and directs student learning in a manner which is consistent  
15 with professional practice and school objectives, shares  
16 responsibility for the development of an instructional program  
17 and any coordinating activities, evaluates or assesses student  
18 progress before and after instruction, and who uses the student  
19 evaluation or assessment information to promote additional  
20 student learning.

21 Sec. 28. NEW SECTION. 256.101 Duties of the state board.

22 The state board shall do the following:

23 1. Adopt rules pursuant to chapter 17A to implement this  
24 subchapter.

25 2. *a.* Provide for the licensure of practitioners and the  
26 issuance of certificates, authorizations, and statements of  
27 professional recognition to other education-related personnel;  
28 establish criteria for licenses, certificates, authorizations,  
29 and statements of professional recognition; establish  
30 application, issuance, revocation, suspension, and renewal  
31 requirements and procedures; create licenses that authorize  
32 different instructional functions or specialties; and develop  
33 any other classifications, distinctions, and procedures which  
34 may be necessary to exercise licensing duties.

35 *b.* Provide for, in accordance with paragraph "*a*", the



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1 issuance of statements of professional recognition to  
2 school service personnel who have attained a minimum of  
3 a baccalaureate degree and who are licensed by another  
4 professional licensing board, including but not limited to  
5 athletic trainers licensed under chapter 152D.  
6     c. Provide for, in accordance with paragraph "a", the  
7 issuance of authorizations for practitioners who are not  
8 eligible for a statement of professional recognition under  
9 paragraph "b", but have received a baccalaureate degree and  
10 provide a service to students at any level from prekindergarten  
11 through grade twelve for a school district, accredited  
12 nonpublic school, area education agency, or preschool program  
13 established pursuant to chapter 256C.  
14     3. Develop and adopt a code of professional rights and  
15 responsibilities, practices, and ethics, which shall, among  
16 other things, address the failure of a practitioner to  
17 fulfill contractual obligations under section 279.13. In  
18 addressing the failure of a practitioner to fulfill contractual  
19 obligations, the rules shall allow consideration of factors  
20 beyond the practitioner's control.  
21     4. Provide annually to any person who holds a license,  
22 certificate, authorization, or statement of professional  
23 recognition issued by the department, training relating to  
24 the knowledge and understanding of the state board's code  
25 of professional conduct and ethics. The department shall  
26 develop a curriculum that addresses the code of professional  
27 conduct and ethics and shall annually provide regional training  
28 opportunities throughout the state.  
29     5. Establish fees for a license, certificate,  
30 authorization, or statement of professional recognition issued  
31 pursuant to this subchapter.  
32     6. Enter into reciprocity agreements with other equivalent  
33 state boards or a national certification board to provide for  
34 licensing of applicants from other states or nations.  
35     7. Establish and adopt standards for the determination



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1 of whether an applicant is qualified to perform the duties  
2 required for a given license.

3 8. Provide alternative pathways to the initial teacher  
4 license and initial administrator license or endorsement in  
5 accordance with section 256.124. The rules shall prescribe  
6 standards and procedures for the approval of alternative  
7 principal licensing programs which may be offered in this state  
8 by designated agencies located within or outside this state.  
9 Procedures provided for approval of alternative principal  
10 licensing programs shall include procedures for enforcement of  
11 the prescribed standards.

12 9. Adopt rules to determine whether an applicant is  
13 qualified to perform the duties for which a license,  
14 certificate, authorization, or statement of professional  
15 recognition is sought. The rules shall include all of the  
16 following:

17 a. Provision for the denial of a license, certificate,  
18 authorization, or statement of professional recognition of a  
19 person upon the department's finding, and for the revocation  
20 of a license, certificate, authorization, or statement of  
21 professional recognition upon the board's finding, by a  
22 preponderance of evidence that either the person has been  
23 convicted of a crime or that there has been a founded report of  
24 child abuse against the person. Rules adopted in accordance  
25 with this paragraph shall provide that in determining whether  
26 a person should be denied a license or that a practitioner's  
27 license should be revoked, the department or board, as  
28 appropriate, shall consider the nature and seriousness of the  
29 founded abuse or crime in relation to the position sought or  
30 held, the time elapsed since the crime was committed, the  
31 degree of rehabilitation which has taken place since the  
32 incidence of founded abuse or the commission of the crime,  
33 the likelihood that the person will commit the same abuse or  
34 crime again, and the number of founded abuses committed by or  
35 criminal convictions of the person involved.



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1     *b.* Notwithstanding paragraph “*a*”, a requirement that the  
2 department disqualify an applicant for a license, certificate,  
3 authorization, or statement of professional recognition or that  
4 the board revoke the license, certificate, authorization, or  
5 statement of professional recognition of a person for any of  
6 the following reasons:

7       (1) The person entered a plea of guilty to, or has been  
8 found guilty of, any of the following offenses, whether or not  
9 a sentence is imposed:

10      (a) Any of the following forcible felonies included in  
11 section 702.11: child endangerment, assault, murder, sexual  
12 abuse, or kidnapping.

13      (b) Any of the following sexual abuse offenses, as provided  
14 in chapter 709, involving a child:

15       (i) First, second, or third degree sexual abuse committed on  
16 or with a person who is under the age of eighteen years.

17       (ii) Lascivious acts with a child.

18       (iii) Assault with intent to commit sexual abuse.

19       (iv) Indecent contact with a child.

20       (v) Sexual exploitation by a counselor.

21       (vi) Lascivious conduct with a minor.

22       (vii) Sexual exploitation by a school employee.

23      (c) Enticing a minor under section 710.10.

24      (d) Human trafficking under section 710A.2.

25      (e) Incest involving a child under section 726.2.

26      (f) Dissemination and exhibition of obscene material to  
27 minors under section 728.2.

28      (g) Telephone dissemination of obscene material to minors  
29 under section 728.15.

30      (h) Any offense specified in the laws of another  
31 jurisdiction, or any offense that may be prosecuted in federal,  
32 military, or foreign court, that is comparable to an offense  
33 listed in this subparagraph (1).

34      (i) Any offense under prior laws of this state or another  
35 jurisdiction, or any offense under prior law that was

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1 prosecuted in a federal, military, or foreign court, that is  
2 comparable to an offense listed in this subparagraph (1).

3 (2) The applicant is less than twenty-one years of age  
4 except as provided in section 256.117, subsection 1, paragraph  
5 "e". However, a student enrolled in a practitioner preparation  
6 program who meets state board requirements for a temporary,  
7 limited-purpose license who is seeking to teach as part of a  
8 practicum or internship may be less than twenty-one years of  
9 age.

10 (3) The applicant's application is fraudulent.

11 (4) The applicant's license or certification from another  
12 state is suspended or revoked.

13 (5) The applicant fails to meet state board standards for  
14 application for an initial or renewed license.

15 c. Qualifications or criteria for the granting or  
16 revocation of a license or the determination of an individual's  
17 professional standing shall not include membership or  
18 nonmembership in any teachers' organization.

19 d. An applicant for a license or certificate under this  
20 subchapter shall demonstrate that the requirements of the  
21 license or certificate have been met and the burden of proof  
22 shall be on the applicant.

23 10. Adopt criteria for administrative endorsements that  
24 allow a person to achieve the endorsement authorizing the  
25 person to serve as an elementary or secondary principal without  
26 regard to the grade level at which the person accrued teaching  
27 experience.

28 11. Adopt rules to require that a background investigation  
29 be conducted by the division of criminal investigation of the  
30 department of public safety on all initial applicants for  
31 licensure.

32 Sec. 29. NEW SECTION. 256.102 Duties of the department.

33 The department shall do the following:

34 1. Carry out programs and policies as determined by the  
35 state board, and the duties and responsibilities of the

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1 department as set forth in this subchapter.  
2 2. License practitioners and issue certificates,  
3 authorizations, and statements of professional recognition in  
4 accordance with rules adopted pursuant to section 256.101.  
5 3. Enforce rules adopted by the state board under section  
6 256.101 and the actions taken by the board under section  
7 256.105 or 256.106, including but not limited to enforcement  
8 of disciplinary action against a practitioner, practitioner  
9 preparation program, or professional development program  
10 licensed or approved by the department.  
11 4. Create license, certificate, authorization, and  
12 statement of professional recognition application and renewal  
13 forms.  
14 5. Collect and refund fees for a license, certificate,  
15 authorization, or statement of professional recognition issued  
16 pursuant to this subchapter.  
17 6. Make recommendations to the state board concerning  
18 standards for the approval of professional development  
19 programs.  
20 7. Apply for and receive federal or other funds on behalf of  
21 the state for purposes related to its duties.  
22 8. Require all initial applicants to submit a completed  
23 fingerprint packet which the department shall use to facilitate  
24 a national criminal history background check. The department  
25 shall have access to, and shall review, the sex offender  
26 registry information under section 692A.121 available to  
27 the general public, the central registry for child abuse  
28 information established under chapter 235A, and the dependent  
29 adult abuse records maintained under chapter 235B for  
30 information regarding applicants for license renewal.  
31 9. Evaluate and conduct studies of state board standards.  
32 10. Periodically review the administrative rules adopted  
33 pursuant to this subchapter and related state laws. The  
34 department shall compile and submit the department's findings  
35 and recommendations in a written report to the state board, the



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1 board, and the general assembly by January 15, 2014, and every  
2 three years thereafter.

3 Sec. 30. NEW SECTION. 256.103 Fees — expenditures and  
4 refunds.

5 1. It is the intent of the general assembly that licensing  
6 fees established by the state board be sufficient to finance  
7 the activities of the state board, the board, and the  
8 department under this subchapter.

9 2. Licensing fees are payable to the treasurer of state and  
10 shall be deposited with the department. The licensing fees  
11 collected during the fiscal year shall be retained by and are  
12 appropriated to the department for the purposes related to the  
13 administration of this subchapter. Notwithstanding section  
14 8.33, licensing fees retained by and appropriated to the  
15 department pursuant to this section that remain unencumbered or  
16 unobligated at the close of the fiscal year shall not revert  
17 but shall remain available for expenditure for purposes of  
18 the administration of this subchapter until the close of the  
19 succeeding fiscal year.

20 3. The director shall keep an accurate and detailed account  
21 of the fees received.

22 4. The department shall submit a detailed annual financial  
23 report by January 1 to the general assembly and the legislative  
24 services agency.

25 5. Expenditures and refunds made for purposes of this  
26 subchapter shall be certified by the director to the director  
27 of the department of administrative services and, if found  
28 correct, the director of the department of administrative  
29 services shall approve the expenditures and refunds and  
30 draw warrants upon the treasurer of state from the funds  
31 appropriated for that purpose.

32 Sec. 31. NEW SECTION. 256.104 Board of educational  
33 examiners created.

34 1. The board of educational examiners is established to  
35 enforce rules adopted by the state board through revocation

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1 or suspension of a license, certificate, authorization, or  
2 statement of professional recognition or by other disciplinary  
3 action against a person who holds a license, certificate,  
4 authorization, or statement of professional recognition or  
5 professional development program approved by the state board  
6 and to hear appeals regarding application, renewal, suspension,  
7 or revocation of a license, certificate, authorization, or  
8 statement of professional recognition issued pursuant to this  
9 subchapter.

10 2. The board consists of twelve members who shall be  
11 appointed by the governor subject to confirmation by the  
12 senate.

13 3. The members shall include the following:

14 a. Two members of the general public. One of the public  
15 members shall have served on a school board. The public  
16 members shall never have held a practitioner's license, but  
17 shall have a demonstrated interest in education.

18 b. The director appointed pursuant to section 256.8, or the  
19 director's designee.

20 c. (1) Nine members who are licensed practitioners, who  
21 shall be selected from the following areas and specialties of  
22 the teaching profession:

23 (a) Elementary teachers.

24 (b) Secondary teachers.

25 (c) Special education or other similar teachers.

26 (d) Counselors or other special purpose practitioners.

27 (e) Administrators.

28 (f) School service personnel.

29 (2) A majority of the licensed practitioner members shall  
30 be nonadministrative practitioners. Four of the licensed  
31 practitioner members shall be administrators.

32 4. Membership of the board shall comply with the  
33 requirements of sections 69.16 and 69.16A. A quorum of the  
34 board shall consist of six members. Members shall elect a  
35 chairperson of the board.



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1 5. a. Members except for the director or the director's  
2 designee shall be appointed to serve staggered terms of four  
3 years. A member shall not serve more than two consecutive  
4 terms, except for the director or the director's designee, who  
5 shall serve until the director's term of office expires. A  
6 vacancy exists when any of the following occur:

7 (1) A nonpublic member's license expires, is suspended, or  
8 is revoked.

9 (2) A nonpublic member retires or terminates employment as a  
10 practitioner.

11 (3) A member dies, resigns, is removed from office, or is  
12 otherwise physically unable to perform the duties of office.

13 (4) A member's term of office expires.

14 b. Terms of office for regular appointments shall begin  
15 and end as provided in section 69.19. Terms of office for  
16 members appointed to fill vacancies shall begin on the date  
17 of appointment and end as provided in section 69.19. Members  
18 may be removed for cause by a state court with competent  
19 jurisdiction after notice and opportunity for hearing. The  
20 board may remove a member for three consecutive absences or for  
21 cause.

22 6. Members shall be reimbursed for actual and necessary  
23 expenses incurred while engaged in their official duties  
24 and may be entitled to per diem compensation as authorized  
25 under section 7E.6. For duties performed during an ordinary  
26 school day by a member who is employed by a school corporation  
27 or state university, the member shall also receive regular  
28 compensation from the school or university. However, the  
29 member shall reimburse the school or university in the amount  
30 of the per diem compensation received.

31 Sec. 32. NEW SECTION. 256.105 Board hearing procedures —  
32 confidentiality — administrative law judges.

33 1. The board shall designate who may or shall initiate a  
34 licensee disciplinary investigation and a licensee disciplinary  
35 proceeding, and who shall prosecute a disciplinary proceeding

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1 and under what conditions, and shall state the procedures for  
2 review by the board of findings of fact if a majority of the  
3 board does not hear the disciplinary proceeding. However, in a  
4 case alleging failure of a practitioner to fulfill contractual  
5 obligations, the person who files a complaint with the board,  
6 or the complainant's designee, shall represent the complainant  
7 in a disciplinary hearing conducted in accordance with this  
8 subchapter.

9     2. Hearings before the board shall be conducted in the same  
10 manner as contested cases under chapter 17A. In addition, the  
11 board shall require specificity in written complaints that are  
12 filed by individuals who have personal knowledge of an alleged  
13 violation and which are accepted by the board, provide that  
14 jurisdictional requirements as set by the board are met on  
15 the face of the complaint before initiating an investigation  
16 of allegations, provide that any investigation be limited  
17 to the allegations contained on the face of the complaint,  
18 provide for an adequate interval between the receipt of a  
19 complaint and public notice of the complaint, permit parties to  
20 a complaint to mutually agree to a resolution of the complaint  
21 filed with the board, allow the respondent the right to review  
22 any investigative report upon a finding of probable cause for  
23 further action by the board, require that the conduct providing  
24 the basis for the complaint occurred within three years of  
25 discovery of the event by the complainant unless good cause  
26 can be shown for an extension of this limitation, and require  
27 complaints to be resolved within one hundred eighty days unless  
28 good cause can be shown for an extension of this limitation.

29     3. In addressing the failure of a practitioner to fulfill  
30 contractual obligations, the board shall consider factors  
31 beyond the practitioner's control.

32     4. The board may subpoena books, papers, records, and  
33 any other real evidence necessary for the board to decide  
34 whether it should institute a contested case hearing. At the  
35 hearing the board may administer oaths and issue subpoenas to

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1 compel the attendance of witnesses and the production of other  
2 evidence. Subpoenas may be issued by the board to a party  
3 to a hearing, if the party demonstrates that the evidence or  
4 witnesses' testimony is relevant and material to the hearing.  
5 Service of process and subpoenas for board hearings shall be  
6 conducted in accordance with the law applicable to the service  
7 of process and subpoenas in civil actions.

8 5. Witnesses subpoenaed to appear before the board shall be  
9 reimbursed for mileage and necessary expenses and shall receive  
10 per diem compensation by the board unless the witness is an  
11 employee of the state or a political subdivision, in which case  
12 the witness shall receive reimbursement only for mileage and  
13 necessary expenses.

14 6. All complaint files, investigation files, other  
15 investigation reports, and other investigative information in  
16 the possession of the board or its employees or agents, which  
17 relate to licensee discipline, are privileged and confidential,  
18 and are not subject to discovery, subpoena, or other means of  
19 legal compulsion for their release to a person other than the  
20 respondent and the board and its employees and agents involved  
21 in licensee discipline, and are not admissible in evidence in a  
22 judicial or administrative proceeding other than the proceeding  
23 involving licensee discipline. A complaint, any amendment to  
24 a complaint, and any supporting documents shall be provided  
25 to the respondent immediately upon the board's determination  
26 that jurisdictional requirements have been met and prior to  
27 the commencement of the board's investigation. Investigative  
28 information in the possession of the board or its employees or  
29 agents which relates to licensee discipline may be disclosed  
30 to appropriate licensing authorities within this state, the  
31 appropriate licensing authority in another state, the District  
32 of Columbia, or a territory or country in which the licensee  
33 is licensed or has applied for a license. A final written  
34 decision and finding of fact of the board in a disciplinary  
35 proceeding is a public record.

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1     7. The board shall maintain a list of qualified persons  
2 who are experienced in the educational system of this state to  
3 serve as administrative law judges when a hearing is requested  
4 under section 279.24. When requested under section 279.24,  
5 the board shall submit a list of five qualified administrative  
6 law judges to the parties. The parties shall select one of  
7 the five qualified persons to conduct the hearing as provided  
8 in section 279.24. The hearing shall be held pursuant to  
9 the provisions of chapter 17A relating to contested cases.  
10 The full costs of the hearing shall be shared equally by the  
11 parties.

12     8. Board action is final agency action for purposes of  
13 chapter 17A.

14     Sec. 33. NEW SECTION. 256.106 Reporting requirements —  
15 complaints.

16     1. a. The board of directors of a school district or area  
17 education agency, the superintendent of a school district or  
18 the chief administrator of an area education agency, and the  
19 authorities in charge of a nonpublic school shall report to the  
20 board the nonrenewal or termination, for reasons of alleged  
21 or actual misconduct, of a person's contract executed under  
22 sections 279.12, 279.13, 279.15 through 279.21, 279.23, and  
23 279.24, and the resignation of a person who holds a license,  
24 certificate, authorization, or statement of professional  
25 recognition issued by the department as a result of or  
26 following an incident or allegation of misconduct that, if  
27 proven, would constitute a violation of the rules adopted by  
28 the state board to implement section 256.101, subsection 9,  
29 paragraph "b", subparagraph (1), when the school board, area  
30 education agency board, authorities, or reporting official  
31 has a good-faith belief that the incident occurred or the  
32 allegation is true. The department may deny a license or the  
33 board may revoke the license of an administrator if the board  
34 finds by a preponderance of the evidence that the administrator  
35 failed to report the termination or resignation of a school

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1 employee holding a license, certificate, authorization, or  
2 statement of professional recognition for reasons of alleged or  
3 actual misconduct, as defined by this subchapter.

4     **b.** Information reported to the board in accordance with this  
5 section is privileged and confidential, and except as provided  
6 in section 256.105, is not subject to discovery, subpoena, or  
7 other means of legal compulsion for its release to a person  
8 other than the respondent and the board and its employees and  
9 agents involved in licensee discipline, and is not admissible  
10 in evidence in a judicial or administrative proceeding other  
11 than the proceeding involving licensee discipline. The board  
12 shall review the information reported to determine whether a  
13 complaint should be initiated. In making that determination,  
14 the board shall consider the factors enumerated in section  
15 256.101, subsection 9, paragraph "a".

16     **c.** For purposes of this section, unless the context  
17 otherwise requires, "misconduct" means an action disqualifying  
18 an applicant for a license or causing the license of a person  
19 to be revoked or suspended in accordance with the rules adopted  
20 by the state board to implement section 256.101, subsection 9,  
21 paragraph "b", subparagraph (1).

22     **2.** If, in the course of performing official duties, an  
23 employee of the department becomes aware of any alleged  
24 misconduct by an individual licensed under this subchapter, the  
25 employee shall report the alleged misconduct to the board under  
26 rules adopted pursuant to subsection 1.

27     **3.** If the board verifies through a review of official  
28 records that a teacher who holds a practitioner's license under  
29 this subchapter is assigned instructional duties for which the  
30 teacher does not hold the appropriate license or endorsement,  
31 either by grade level or subject area, by a school district or  
32 accredited nonpublic school, the board may initiate a complaint  
33 against the teacher and the administrator responsible for the  
34 inappropriate assignment of instructional duties.

35     **Sec. 34. NEW SECTION. 256.107 Immunities.**

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1 1. A person shall not be civilly liable as a result of the  
2 person's acts, omissions, or decisions that are reasonable and  
3 in good faith as a member of the board or as an employee or  
4 agent of the department in connection with the person's duties  
5 under this subchapter.

6 2. A person shall not be civilly liable as a result  
7 of filing a report or complaint with the board or for the  
8 disclosure to the board or its agents or employees, whether or  
9 not pursuant to a subpoena of records, documents, testimony, or  
10 other forms of information in connection with proceedings of  
11 the board. However, such immunity from civil liability shall  
12 not apply if such an act is done with malice.

13 3. A person shall not be dismissed from employment or  
14 discriminated against by an employer for doing any of the  
15 following:

16 a. Filing a complaint with the board.

17 b. Participating as a member, agent, or employee of the  
18 board.

19 c. Presenting testimony or other evidence to the board.

20 4. An employer who violates this section shall be liable to  
21 a person aggrieved by such violation for actual and punitive  
22 damages plus reasonable attorney fees.

23 Sec. 35. NEW SECTION. 256.111 **Validity of license.**

24 1. A license issued under state board authority is valid for  
25 the period of time for which it is issued, unless the license  
26 is suspended or revoked. A license issued pursuant to this  
27 subchapter is valid until the last day of the practitioner's  
28 birth month in the year in which the license expires. No  
29 permanent licenses shall be issued. A person employed as a  
30 practitioner shall hold a valid license with an endorsement  
31 for the type of service for which the person is employed.  
32 This section does not limit the duties or powers of a school  
33 board to select or discharge practitioners or to terminate  
34 practitioners' contracts. A professional development program,  
35 except for a program offered by a practitioner preparation

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1 institution or area education agency and approved by the state  
2 board, must possess a valid license for the types of programs  
3 offered.

4 2. The department or the board, as applicable, may grant  
5 or deny license applications, grant or deny applications  
6 for renewal of a license, or suspend or revoke licenses in  
7 accordance with the provisions of this subchapter. A denial  
8 of an application for a license, a denial of an application  
9 for renewal, or a suspension or revocation of a license may be  
10 appealed by the practitioner to the department or board, as  
11 applicable.

12 3. The department may issue emergency renewal or temporary,  
13 limited-purpose licenses upon petition by a current or  
14 former practitioner. An emergency renewal or a temporary,  
15 limited-purpose license may be issued for a period not  
16 to exceed two years, if a petitioner demonstrates, to the  
17 satisfaction of the department, good cause for failure to  
18 comply with state board requirements for a regular license  
19 and provides evidence that the petitioner will comply with  
20 state board requirements within the period of the emergency  
21 or temporary license. Under exceptional circumstances, an  
22 emergency license may be renewed by the department for one  
23 additional year. A previously unlicensed person is not  
24 eligible for an emergency or temporary license, except that a  
25 student who is enrolled in a licensed practitioner preparation  
26 program may be issued a temporary, limited-purpose license,  
27 without payment of a fee, as part of a practicum or internship  
28 program.

29 Sec. 36. NEW SECTION. 256.112 License to applicants from  
30 other states or countries.

31 1. The department may provide for the issuance of a license  
32 to an applicant from another state or country if the applicant  
33 files evidence of the possession of the required or equivalent  
34 requirements with the department. If the applicant is the  
35 spouse of a military person who is on duty or in active state

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1 duty as defined in section 29A.1, subsections 9 and 11, the  
2 department shall assign a consultant to be the single point of  
3 contact for the applicant regarding nontraditional licensure.

4 2. The state board may enter into reciprocity agreements  
5 with another state or country for the licensing of  
6 practitioners on an equitable basis of mutual exchange.

7 3. Practitioner preparation and professional development  
8 programs offered in this state by out-of-state institutions  
9 must be approved by the state board in order to fulfill  
10 requirements for licensure or renewal of a license by an  
11 applicant.

12 Sec. 37. NEW SECTION. 256.113 Continuity of certificates  
13 and licenses.

14 1. A certificate which was issued by the board of  
15 educational examiners to a practitioner before July 1,  
16 1989, continues to be in force as long as the certificate  
17 complies with the rules and statutes in effect on July  
18 1, 1989. Requirements for the renewal of licenses, under  
19 this subchapter, do not apply retroactively to renewal of  
20 certificates. However, this section does not limit the  
21 duties or powers of a school board to select or discharge  
22 practitioners or to terminate practitioners' contracts.

23 2. A practitioner who holds a certificate issued before  
24 July 1, 1989, shall, upon application and payment of a fee,  
25 be granted a license which will permit the practitioner to  
26 perform the same duties and functions as the practitioner was  
27 entitled to perform with the certificate held at the time of  
28 application. A practitioner shall be permitted to convert a  
29 permanent certificate to a term certificate, after July 1,  
30 1989, without payment of a fee.

31 Sec. 38. NEW SECTION. 256.114 Administrator mentoring and  
32 induction — licenses.

33 1. Requirements for administrator licensure beyond an  
34 initial license shall include completion of a beginning  
35 administrator mentoring and induction program and demonstration

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1 of competence on the administrator standards adopted pursuant  
2 to section 284A.3.

3 2. The state board shall adopt rules for administrator  
4 licensure renewal that include credit for individual  
5 administrator professional development plans developed in  
6 accordance with section 284A.6.

7 3. An administrator formerly employed as an administrator  
8 prior to July 1, 2007, by an accredited nonpublic school, or  
9 who within one year prior to employment in Iowa was employed  
10 by an accredited school in another state or country, is exempt  
11 from the mentoring and induction requirement under subsection  
12 1 if the administrator can document two years of successful  
13 administrator experience and meet or exceed the requirements  
14 contained in rules adopted pursuant to this subchapter for  
15 endorsement and licensure.

16 Sec. 39. NEW SECTION. 256.115 **National certification.**

17 The state board shall review the standards for teacher's  
18 certificates adopted by the national board for professional  
19 teaching standards. If the standards required by the national  
20 board meet or exceed the requirements for an endorsement or  
21 license issued under rules adopted pursuant to this subchapter,  
22 the department shall issue an endorsement or license to an  
23 applicant for such an endorsement or license if the applicant  
24 holds a valid certificate issued by the national board.

25 Sec. 40. NEW SECTION. 256.116 **Paraeducator certificates.**

26 The state board shall establish a voluntary certification  
27 system for paraeducators. The state board shall specify in  
28 rule the rights, responsibilities, levels, and qualifications  
29 for the certificate. Applicants shall be disqualified for  
30 any reason specified in section 256.101, subsection 9, except  
31 that the department may issue a paraeducator certificate to a  
32 person who is at least eighteen years of age. A person holding  
33 a paraeducator certificate shall not perform the duties of  
34 a licensed practitioner. A paraeducator certificate issued  
35 pursuant to this section shall not be considered a teacher



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1 or administrator license for any purpose specified by law,  
2 including the purposes specified under this subchapter or  
3 chapter 279.

4 Sec. 41. NEW SECTION. 256.117 Authorizations — coaching  
5 — school business officials.

6 1. The minimum requirements for the issuance of a coaching  
7 authorization to an applicant under this subchapter include the  
8 following:

9 a. Successful completion of one semester credit hour  
10 or ten contact hours in a course relating to knowledge and  
11 understanding of the structure and function of the human body  
12 in relation to physical activity.

13 b. Successful completion of one semester credit hour  
14 or ten contact hours in a course relating to knowledge and  
15 understanding of human growth and development of children and  
16 youth in relation to physical activity.

17 c. Successful completion of two semester credit hours or  
18 twenty contact hours in a course relating to knowledge and  
19 understanding of the prevention and care of athletic injuries  
20 and medical and safety problems relating to physical activity.

21 d. Successful completion of one semester credit hour or ten  
22 contact hours relating to knowledge and understanding of the  
23 techniques and theory of coaching interscholastic athletics.

24 e. Attainment of at least eighteen years of age.

25 2. a. The department shall issue a school business official  
26 authorization to an individual who successfully completes a  
27 training program that meets the standards set by the state  
28 board pursuant to section 256.7, subsection 30, and who  
29 complies with rules adopted by the state board pursuant to  
30 subsection 4.

31 b. A person hired on or after July 1, 2012, as a school  
32 business official responsible for the financial operations of  
33 a school district who is without prior experience as a school  
34 business official in Iowa shall either hold the school business  
35 official authorization issued pursuant to paragraph "a" or



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1 obtain the authorization within two years of the start date of  
2 employment as a school business official.

3     *c.* An individual employed as a school business official  
4 prior to July 1, 2012, who meets the requirements of the  
5 state board, other than the training program requirements of  
6 paragraph "a", shall be issued, with no fee for issuance, an  
7 initial authorization, but shall meet renewal requirements for  
8 an authorization within the time period specified by the state  
9 board.

10     3. The department shall issue a school administration  
11 manager authorization to an individual who successfully  
12 completes a training program that meets the standards set by  
13 the state board pursuant to section 256.7, subsection 30, and  
14 who complies with rules adopted by the state board pursuant to  
15 subsection 4.

16     4. The state board shall work with institutions of  
17 higher education, private colleges and universities,  
18 community colleges, area education agencies, and professional  
19 organizations to ensure that the courses and programs required  
20 for authorization under this section are offered throughout the  
21 state at convenient times and at a reasonable cost.

22     5. The department shall establish a statewide school  
23 administration manager training program that complies with the  
24 standards and procedures established pursuant to section 256.7,  
25 subsection 30, paragraph "b". Participation in the program is  
26 voluntary for school districts, charter schools, and accredited  
27 nonpublic schools and their employees.

28     Sec. 42. NEW SECTION. 256.121 **Specific criteria for teacher**  
29 **preparation and certain educators.**

30     1. Pursuant to section 256.7, subsection 5, the state board  
31 shall adopt rules requiring all higher education institutions  
32 providing approved practitioner preparation programs to do the  
33 following:

34     *a.* Require any candidate for admission to the practitioner  
35 preparation program to have a cumulative postsecondary grade



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1 point average at the time of application of at least three on a  
2 four-point scale, or its equivalent if another scale is used.

3     **b.** (1) Administer a basic skills test, which has been  
4 approved by the director, to practitioner preparation program  
5 admission candidates. Candidates who do not successfully  
6 pass the test with a score above the twenty-fifth percentile  
7 nationally shall be denied admission to the program.

8     (2) A student shall not successfully complete the program  
9 unless the student achieves scores above the twenty-fifth  
10 percentile nationally on an assessment approved by the director  
11 in pedagogy and at least one content area.

12     **c.** Include preparation in reading programs and integrate  
13 reading strategies into content area methods coursework.

14     **d.** Include in the professional education program,  
15 preparation that contributes to the education of students  
16 with disabilities and students who are gifted and talented,  
17 and preparation in classroom management addressing high-risk  
18 behaviors including but not limited to behaviors related to  
19 substance abuse. Preparation required under this paragraph  
20 must be successfully completed before graduation from the  
21 practitioner preparation program.

22     2. An applicant for licensure under this subchapter shall  
23 have successfully completed a professional education program  
24 containing the subject matter specified in this section.

25     Sec. 43. NEW SECTION. **256.122 Rules for practitioner**  
26 **preparation programs.**

27     The state board shall adopt rules pursuant to chapter 17A  
28 which require that an approved practitioner preparation program  
29 include all of the following:

30     1. A requirement that each student admitted to the program  
31 must participate in at least fifty hours of field experience  
32 that includes both observation and participation in teaching  
33 activities in a variety of school settings; at least ten hours  
34 of which shall occur prior to a student's acceptance in the  
35 program. The student teaching experience shall be a minimum of

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1 fifteen weeks in duration during the student's final year of  
2 the practitioner preparation program.

3 2. A requirement that faculty members in professional  
4 education maintain an ongoing involvement in activities in  
5 elementary, middle, or secondary schools. The activities shall  
6 include at least forty hours of team teaching during a period  
7 not exceeding two years in duration at the elementary, middle,  
8 or secondary level.

9 3. A requirement that the program include instruction  
10 in skills and strategies to be used in classroom management  
11 of individuals, and of small and large groups, under varying  
12 conditions; skills for communicating and working constructively  
13 with pupils, teachers, administrators, and parents; and skills  
14 for understanding the role of the state board and the functions  
15 of other education agencies in the state. The requirement  
16 shall be based upon recommendations of the director after  
17 consultation with teacher education faculty members in colleges  
18 and universities.

19 4. A requirement that prescribes minimum experiences and  
20 responsibilities to be accomplished during the student teaching  
21 experience by the student teacher and by the cooperating  
22 teacher based upon recommendations of the director after  
23 consultation with teacher education faculty members in  
24 colleges and universities. The student teaching experience  
25 shall include opportunities for the student teacher to become  
26 knowledgeable about the Iowa teaching standards, including a  
27 mock evaluation performed by the cooperating teacher. The  
28 mock evaluation shall not be used as an assessment tool by  
29 the practitioner preparation program. The student teaching  
30 experience shall consist of interactive experiences involving  
31 practitioner preparation program personnel, the student  
32 teacher, the cooperating teacher, and administrative personnel  
33 from the cooperating teacher's school district.

34 5. A requirement that each approved practitioner  
35 preparation program or professional development institution

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1 annually offer a workshop of at least one day in duration for  
2 prospective cooperating teachers. The workshop shall define  
3 the objectives of the student teaching experience, review  
4 the responsibilities of the cooperating teacher, and provide  
5 the cooperating teacher other information and assistance the  
6 institution deems necessary.

7 6. A requirement that practitioner preparation students  
8 receive instruction in the use of electronic technology for  
9 classroom and instructional purposes.

10 7. A requirement that each institution with an approved  
11 practitioner preparation program annually solicit the views  
12 of the education community regarding the institution's  
13 practitioner preparation program. The institution shall  
14 collect the education community's views and the institution's  
15 findings and recommendations in a report which shall be  
16 submitted to the department. The department shall publish the  
17 report on its internet site.

18 8. A requirement that an approved practitioner preparation  
19 program submit evidence that the college or department of  
20 education is communicating with other colleges or departments  
21 in the institution so that practitioner preparation students  
22 may integrate teaching methodology with subject matter areas  
23 of specialization.

24 9. A requirement that an approved practitioner preparation  
25 program submit evidence that the evaluation of the performance  
26 of a student teacher is a cooperative process that involves  
27 both the faculty member supervising the student teacher and  
28 the cooperating teacher. The rules shall require that each  
29 institution develop a written evaluation procedure for use  
30 by the cooperating teacher and a form for evaluating student  
31 teachers, and require that a copy of the completed form be  
32 included in the student teacher's permanent record.

33 Sec. 44. NEW SECTION. 256.123 Student teaching and other  
34 educational experiences.

35 If the rules adopted by the state board for issuance of a

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1 license or endorsement license require an applicant to complete  
2 work in student teaching, prestudent teaching experiences,  
3 field experiences, practicums, clinicals, or internships, an  
4 institution with a practitioner preparation program approved by  
5 the state board pursuant to section 256.7, subsection 3, shall  
6 enter into a written contract with any Iowa school district,  
7 accredited nonpublic school, preschool registered or licensed  
8 by the department of human services, or area education agency  
9 under terms and conditions as agreed upon by the contracting  
10 parties. The terms and conditions of a written contract  
11 entered into with a preschool pursuant to this section shall  
12 provide that a student teacher be under the direct supervision  
13 of an appropriately licensed cooperating teacher who is  
14 employed to teach at the preschool. A student teaching or  
15 engaged in preservice licensure activities in a school district  
16 under the terms of such a contract are entitled to the same  
17 protection, under section 670.8, as is afforded by that section  
18 to officers and employees of the school district, during the  
19 time the student is so assigned.

20 Sec. 45. NEW SECTION. 256.124 **Alternative licensure and**  
21 **endorsement.**

22 1. The state board shall establish alternative licensure  
23 pathways for an initial teacher license and an initial  
24 administrator license and endorsement.

25 2. The alternative pathway for an initial teacher license  
26 shall include all of the following components:

27 a. A requirement that the applicant for the alternative  
28 pathway to an initial teacher license meet all of the following  
29 criteria:

30 (1) Hold, at a minimum, a bachelor's degree from a  
31 regionally accredited postsecondary institution and twenty-four  
32 postsecondary credit hours in the content area to be taught at  
33 the licensure level sought by the applicant; or, in order to  
34 teach a foreign language, the applicant shall hold at least a  
35 bachelor's degree and be a native speaker of the language to

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1 be taught.

2 (2) Have successfully passed a background check conducted  
3 in accordance with section 256.102, subsection 8.

4 (3) Have at least three recent consecutive years of  
5 successful, relevant work experience.

6 (4) Have successfully passed a basic skills test, approved  
7 by the director, for acceptance. An applicant utilizing the  
8 alternative pathway to an initial teacher license shall not  
9 be issued such a license unless the student achieves scores  
10 above the twenty-fifth percentile nationally on an examination  
11 approved by the director for knowledge of pedagogies and in at  
12 least one content area.

13 (5) Have a cumulative postgraduate grade point average of at  
14 least three on a four-point scale, or its equivalent if another  
15 grade scale is used.

16 b. A requirement that the person issued an initial teacher  
17 license pursuant to this subsection shall, during the person's  
18 first three years of teaching, successfully complete a  
19 beginning teacher mentoring and induction program pursuant  
20 to section 284.5, and shall successfully complete eighteen  
21 postsecondary credit hours of pedagogy coursework before the  
22 person may be issued a license beyond the initial license.

23 3. The alternative pathway for an initial administrator  
24 license shall include all of the following components:

25 a. A requirement that the applicant for the alternative  
26 pathway to an initial administrator license meet all of the  
27 following criteria:

28 (1) Hold, at a minimum, a bachelor's degree from a  
29 regionally accredited postsecondary institution.

30 (2) Have successfully passed a background check conducted  
31 in accordance with section 256.102, subsection 8.

32 b. A requirement that a person who is issued an initial  
33 administrator license through the alternative pathway specified  
34 by this subsection may be employed by a school district or  
35 accredited nonpublic school and, for the first consecutive

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1 three years of employment as a building principal, shall  
2 be supervised and mentored by a person who holds a valid  
3 professional administrator license.

4 4. A person with at least five recent years of successful  
5 experience as a professional educator, and who is enrolled in  
6 an alternative principal licensing program approved by the  
7 state board, may qualify for an initial administrator license.

8 5. A person with at least five recent years of successful  
9 management experience in business; industry; local, state,  
10 or federal government; or the military service of the United  
11 States, and who has successfully completed an alternative  
12 principal licensing program approved by the state board, may  
13 qualify for an initial administrator license.

14 6. a. The alternative pathway for an initial administrator  
15 endorsement for school superintendents and area education  
16 agency administrators shall require an applicant to meet all of  
17 the following criteria:

18 (1) Hold, at a minimum, a bachelor's degree from a  
19 regionally accredited postsecondary institution.

20 (2) Have successfully passed a background check conducted  
21 in accordance with section 256.102, subsection 8.

22 (3) Have at least five recent years of successful, relevant  
23 experience as a professional educator or management experience  
24 in business; industry; local, state, or federal government; or  
25 the military service of the United States.

26 b. A person issued an initial administrator endorsement  
27 for superintendents or area education agency administrators  
28 under this subsection shall successfully complete a beginning  
29 mentoring and induction program with a mentor who is a  
30 superintendent or area education agency administrator, as  
31 appropriate.

32 c. A person issued an initial administrator endorsement  
33 for superintendents or area education agency administrators  
34 pursuant to this subsection, who successfully completes three  
35 years of experience as a superintendent or area education



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1 agency administrator, may be issued a license beyond the  
2 initial administrator endorsement.

3 7. Upon application, a person who holds an initial  
4 administrator license issued pursuant to subsection 3, and who  
5 has three years of successful experience as a principal, shall  
6 be issued a professional administrator license.

7 Sec. 46. NEW SECTION. 256.125 Mentoring and induction  
8 requirement.

9 1. Requirements for teacher licensure beyond an initial  
10 license shall include successful completion of a beginning  
11 teacher mentoring and induction program pursuant to section  
12 284.5.

13 2. A teacher from another state or country is exempt from  
14 the requirement of subsection 1 if the teacher can document  
15 five years of successful teaching experience and meet or  
16 exceed the requirements contained in rules adopted under this  
17 subchapter for endorsement and licensure.

18 Sec. 47. Section 20.17, subsection 11, paragraph a, Code  
19 2011, is amended to read as follows:

20 a. In the absence of an impasse agreement negotiated  
21 pursuant to section 20.19 which provides for a different  
22 completion date, public employees represented by a certified  
23 employee organization who are teachers licensed under chapter  
24 ~~272~~ 256 and who are employed by a public employer which is a  
25 school district or area education agency shall complete the  
26 negotiation of a proposed collective bargaining agreement  
27 not later than May 31 of the year when the agreement is to  
28 become effective. The board shall provide, by rule, a date on  
29 which impasse items in such cases must be submitted to binding  
30 arbitration and for such other procedures as deemed necessary  
31 to provide for the completion of negotiations of proposed  
32 collective bargaining agreements not later than May 31. The  
33 date selected for the mandatory submission of impasse items  
34 to binding arbitration in such cases shall be sufficiently in  
35 advance of May 31 to ensure that the arbitrator's award can be

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1 reasonably made by May 31.

2 Sec. 48. Section 20.19, subsection 1, Code 2011, is amended  
3 to read as follows:

4 1. As the first step in the performance of their duty to  
5 bargain, the public employer and the employee organization  
6 shall endeavor to agree upon impasse procedures. Such  
7 agreement shall provide for implementation of these impasse  
8 procedures not later than one hundred twenty days prior to  
9 the certified budget submission date of the public employer.  
10 However, if public employees represented by the employee  
11 organization are teachers licensed under chapter ~~272~~ 256, and  
12 the public employer is a school district or area education  
13 agency, the agreement shall provide for implementation of  
14 impasse procedures not later than one hundred twenty days prior  
15 to May 31 of the year when the collective bargaining agreement  
16 is to become effective. If the public employer is a community  
17 college, the agreement shall provide for implementation of  
18 impasse procedures not later than one hundred twenty days prior  
19 to May 31 of the year when the collective bargaining agreement  
20 is to become effective. If the public employer is not subject  
21 to the budget certification requirements of section 24.17 and  
22 other applicable sections, the agreement shall provide for  
23 implementation of impasse procedures not later than one hundred  
24 twenty days prior to the date the next fiscal or budget year of  
25 the public employer commences. If the parties fail to agree  
26 upon impasse procedures under the provisions of this section,  
27 the impasse procedures provided in sections 20.20 to 20.22  
28 shall apply.

29 Sec. 49. Section 20.20, Code 2011, is amended to read as  
30 follows:

31 **20.20 Mediation.**

32 In the absence of an impasse agreement negotiated pursuant  
33 to section 20.19 or the failure of either party to utilize its  
34 procedures, one hundred twenty days prior to the certified  
35 budget submission date, or one hundred twenty days prior to

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1 May 31 of the year when the collective bargaining agreement  
2 is to become effective if public employees represented by the  
3 employee organization are teachers licensed under chapter  
4 ~~272~~ 256 and the public employer is a school district or  
5 area education agency, the board shall, upon the request of  
6 either party, appoint an impartial and disinterested person  
7 to act as mediator. If the public employer is a community  
8 college, and in the absence of an impasse agreement negotiated  
9 pursuant to section 20.19 or the failure of either party to  
10 utilize its procedures, one hundred twenty days prior to May  
11 31 of the year when the collective bargaining agreement is to  
12 become effective, the board, upon the request of either party,  
13 shall appoint an impartial and disinterested person to act as  
14 mediator. If the public employer is not subject to the budget  
15 certification requirements of section 24.17 or other applicable  
16 sections and in the absence of an impasse agreement negotiated  
17 pursuant to section 20.19, or the failure of either party to  
18 utilize its procedures, one hundred twenty days prior to the  
19 date the next fiscal or budget year of the public employer  
20 commences, the board, upon the request of either party, shall  
21 appoint an impartial and disinterested person to act as a  
22 mediator. It shall be the function of the mediator to bring  
23 the parties together to effectuate a settlement of the dispute,  
24 but the mediator may not compel the parties to agree.

25 Sec. 50. Section 232.69, subsection 1, paragraph b,  
26 subparagraph (4), Code Supplement 2011, is amended to read as  
27 follows:

28 (4) A licensed school employee, certified ~~para-educator~~  
29 paraeducator, holder of a coaching authorization issued  
30 under section ~~272.31~~ 256.117, or an instructor employed by a  
31 community college.

32 Sec. 51. Section 232.69, subsection 3, paragraph a, Code  
33 Supplement 2011, is amended to read as follows:

34 a. For the purposes of this subsection, "*licensing*  
35 *board*" means a board designated in section 147.13, the ~~board~~

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1 ~~department~~ of ~~educational-examiners-created~~ education in  
2 accordance with section ~~272.2~~ 256.102, or a licensing board as  
3 defined in section 272C.1.

4 Sec. 52. Section 235A.15, subsection 2, paragraph e,  
5 subparagraph (9), Code Supplement 2011, is amended to read as  
6 follows:

7 (9) To the department of education or the board of  
8 educational examiners created under chapter ~~272~~ 256 for  
9 purposes of determining whether a license, certificate,  
10 or authorization should be issued, denied, or revoked in  
11 accordance with chapter 256.

12 Sec. 53. Section 235B.6, subsection 2, paragraph e,  
13 subparagraph (13), Code Supplement 2011, is amended to read as  
14 follows:

15 (13) To the department of education or the board of  
16 educational examiners created under chapter ~~272~~ 256 for  
17 purposes of determining whether a license, certificate,  
18 or authorization should be issued, denied, or revoked in  
19 accordance with chapter 256.

20 Sec. 54. Section 235B.16, subsection 5, paragraph a, Code  
21 2011, is amended to read as follows:

22 a. For the purposes of this subsection, "*licensing*  
23 *board*" means a board designated in section 147.13, the ~~board~~  
24 department of educational-examiners-created education as  
25 provided in section ~~272.2~~ 256.102, or a licensing board as  
26 defined in section 272C.1.

27 Sec. 55. Section 256.7, subsections 5, 22, and 30, Code  
28 Supplement 2011, are amended to read as follows:

29 5. Adopt rules under chapter 17A for carrying out the  
30 responsibilities of the state board and of the department  
31 pursuant to law.

32 22. Adopt rules and a procedure for the approval of  
33 ~~para-educator~~ paraeducator preparation programs offered by  
34 a public school district, area education agency, community  
35 college, institution of higher education under the state board



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1 of regents, or an accredited private institution as defined  
2 in section 261.9, subsection 1. The programs shall train  
3 and recommend individuals for ~~para-educator~~ paraeducator  
4 certification under section ~~272.12~~ 256.116.

5 30. Set standards and procedures for the approval of  
6 training programs for individuals who seek an authorization  
7 ~~issued by the board of educational examiners~~ under section  
8 256.117 for employment the following:

9 a. Employment as a school business official responsible for  
10 the financial operations of a school district.

11 b. Employment as a school administration manager responsible  
12 for assisting a school principal in performing noninstructional  
13 duties.

14 Sec. 56. Section 256.9, subsections 46 and 52, Code  
15 Supplement 2011, are amended to read as follows:

16 46. Develop core knowledge and skill criteria, based  
17 upon the Iowa teaching standards, for the evaluation, the  
18 advancement, and for teacher career development purposes  
19 pursuant to chapter 284. The criteria shall further define the  
20 characteristics of quality teaching as established by the Iowa  
21 teaching standards. The director, ~~in consultation with the~~  
22 ~~board of educational examiners,~~ shall also develop a transition  
23 plan for implementation of the career development standards  
24 developed pursuant to section 256.7, subsection 25, with regard  
25 to licensure renewal requirements. The plan shall include a  
26 requirement that practitioners be allowed credit for career  
27 development completed prior to implementation of the career  
28 development standards developed pursuant to section 256.7,  
29 subsection 25.

30 52. Establish and maintain a process and a procedure, ~~in~~  
31 ~~cooperation with the board of educational examiners,~~ to compare  
32 a practitioner's teaching assignment with the license and  
33 endorsements held by the practitioner. The director may report  
34 noncompliance issues identified by this process to the board  
35 of educational examiners pursuant to section ~~272.15~~ 256.106,



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1 subsection 3.

2 Sec. 57. Section 256.11, subsections 9, 9A, and 9B, Code  
3 2011, are amended to read as follows:

4 9. Beginning July 1, ~~2006~~ 2012, each school district shall  
5 have a qualified teacher librarian who shall be licensed by  
6 ~~the board of educational examiners~~ under this chapter ~~272~~.

7 The state board shall establish in rule a definition of and  
8 standards for an articulated sequential kindergarten through  
9 grade twelve media program. ~~A school district that entered~~  
10 ~~into a contract with an individual for employment as a media~~  
11 ~~specialist or librarian prior to June 1, 2006, shall be~~  
12 ~~considered to be in compliance with this subsection until June~~  
13 ~~30, 2011, if the individual is making annual progress toward~~  
14 ~~meeting the requirements for a teacher librarian endorsement~~  
15 ~~issued by the board of educational examiners under chapter~~  
16 ~~272.~~ A school district that entered into a contract with an  
17 individual for employment as a media specialist or librarian  
18 who holds at least a master's degree in library and information  
19 studies shall be considered to be in compliance with this  
20 subsection until the individual leaves the employ of the school  
21 district.

22 9A. Beginning July 1, ~~2007~~ 2012, each school district shall  
23 have a qualified guidance counselor who shall be licensed by  
24 ~~the board of educational examiners~~ under this chapter ~~272~~.  
25 Each school district shall work toward the goal of having one  
26 qualified guidance counselor for every three hundred fifty  
27 students enrolled in the school district. The state board  
28 shall establish in rule a definition of and standards for  
29 an articulated sequential kindergarten through grade twelve  
30 guidance and counseling program.

31 9B. Beginning July 1, ~~2007~~ 2012, each school district shall  
32 have a school nurse to provide health services to its students.  
33 Each school district shall work toward the goal of having one  
34 school nurse for every seven hundred fifty students enrolled in  
35 the school district. For purposes of this subsection, *school*

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1 *nurse* means a person who holds an endorsement or a statement of  
2 professional recognition for school nurses issued ~~by the board~~  
3 ~~of educational examiners~~ under this chapter 272.

4 Sec. 58. Section 256.36, subsection 3, Code 2011, is amended  
5 to read as follows:

6 3. The ~~board of educational examiners~~ department may  
7 develop recommendations for specific changes in the licensing  
8 requirements for math and science teachers.

9 Sec. 59. Section 256.44, subsection 1, unnumbered paragraph  
10 1, Code 2011, is amended to read as follows:

11 A national board certification pilot project is established  
12 to be administered by the department of education. A teacher,  
13 as defined in section ~~272.1~~ 256.100, who registers for or  
14 achieves national board for professional teaching standards  
15 certification, and who is employed by a school district in Iowa  
16 and receiving a salary as a classroom teacher, may be eligible  
17 for the following:

18 Sec. 60. Section 256C.3, subsection 2, paragraph a,  
19 subparagraph (2), Code 2011, is amended to read as follows:

20 (2) The individual is appropriately licensed under chapter  
21 ~~272~~ 256 and meets requirements under chapter 284.

22 Sec. 61. Section 256F.7, subsection 1, Code 2011, is amended  
23 to read as follows:

24 1. A charter school or the boards participating in an  
25 innovation zone consortium shall employ or contract with  
26 necessary teachers and administrators, as defined in section  
27 ~~272.1~~ 256.100, who hold a valid license with an endorsement for  
28 the type of service for which the teacher or administrator is  
29 employed.

30 Sec. 62. Section 258.4, subsection 5, Code 2011, is amended  
31 to read as follows:

32 5. Make recommendations to the state ~~board of educational~~  
33 ~~examiners of education~~ relating to the enforcement of rules  
34 prescribing standards for teachers of subjects listed in  
35 subsection 2 in accredited schools, departments, and classes.



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1 Sec. 63. Section 258.5, unnumbered paragraph 1, Code 2011,  
2 is amended to read as follows:

3 If a school corporation maintains an approved vocational  
4 school, department, or classes in accordance with the rules  
5 adopted by the state board, ~~and rules and standards adopted~~  
6 ~~by the board of educational examiners of education,~~ and the  
7 state plan for vocational education, adopted by the board  
8 for vocational education and approved by the United States  
9 department of education, the director of the department of  
10 education shall reimburse the school corporation at the end  
11 of the fiscal year for its expenditures for salaries and  
12 authorized travel of vocational teachers from federal and state  
13 funds. However, a school corporation shall not receive from  
14 federal and state funds a larger amount than one-half the sum  
15 which has been expended by the school corporation for that  
16 particular type of program. If federal and state funds are not  
17 sufficient to make the reimbursement to the extent provided in  
18 this section, the director shall prorate the respective amounts  
19 available to the corporations entitled to reimbursement.

20 Sec. 64. Section 261.111, subsection 8, Code 2011, is  
21 amended to read as follows:

22 8. For purposes of this section, unless the context  
23 otherwise requires, "teacher" means the same as defined in  
24 section ~~272.1~~ 256.100.

25 Sec. 65. Section 261.112, subsection 1, Code Supplement  
26 2011, is amended to read as follows:

27 1. A teacher shortage loan forgiveness program is  
28 established to be administered by the commission. A teacher  
29 is eligible for the program if the teacher is practicing in  
30 a teacher shortage area as designated by the department of  
31 education pursuant to subsection 2. For purposes of this  
32 section, "teacher" means an individual holding a practitioner's  
33 license issued under chapter ~~272~~ 256, who is employed in a  
34 nonadministrative position in a designated shortage area by a  
35 school district or area education agency pursuant to a contract

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1 issued by a board of directors under section 279.13.

2 Sec. 66. Section 261E.3, subsection 2, paragraph a,  
3 subparagraph (6), Code Supplement 2011, is amended to read as  
4 follows:

5 (6) If the instruction for any program authorized by  
6 this chapter is provided at a school district facility or a  
7 neutral site, the teacher or instructor shall have successfully  
8 passed a background investigation conducted in accordance with  
9 section ~~272.2~~ 256.102, subsection ~~17~~ 7, prior to providing such  
10 instruction. For purposes of this section, "neutral site" means  
11 a facility that is not owned or operated by an institution.

12 Sec. 67. Section 261E.3, subsection 2, paragraph e, Code  
13 Supplement 2011, is amended to read as follows:

14 e. An individual under suspension or revocation of an  
15 educational license or statement of professional recognition  
16 issued ~~by the board of educational examiners~~ under chapter 256  
17 shall not be allowed to provide instruction for any program  
18 authorized by this chapter.

19 Sec. 68. Section 261E.4, subsection 3, Code 2011, is amended  
20 to read as follows:

21 3. A school district shall ensure that advanced placement  
22 course teachers or instructors are appropriately licensed ~~by~~  
23 ~~the board of educational examiners~~ in accordance with chapter  
24 ~~272~~ 256 and meet the minimum certification requirements of the  
25 national organization that administers the advanced placement  
26 program.

27 Sec. 69. Section 262.9, subsection 2, Code Supplement 2011,  
28 is amended to read as follows:

29 2. Elect a president of each of the institutions of higher  
30 learning; a superintendent of each of the other institutions;  
31 a treasurer and a secretarial officer for each institution  
32 annually; professors, instructors, officers, and employees;  
33 and fix their compensation. Sections 279.12 through 279.19  
34 and section 279.27 apply to employees of the Iowa braille and  
35 sight saving school and the state school for the deaf, who

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1 are licensed pursuant to chapter ~~272~~ 256. In following those  
2 sections in chapter 279, the references to boards of directors  
3 of school districts shall be interpreted to apply to the board  
4 of regents.

5 Sec. 70. Section 263.1, Code Supplement 2011, is amended to  
6 read as follows:

7 **263.1 Objects — departments.**

8 The university of Iowa shall never be under the control of  
9 any religious denomination. Its object shall be to provide the  
10 best and most efficient means of imparting to men and women,  
11 upon equal terms, a liberal education and thorough knowledge of  
12 the different branches of literature and the arts and sciences,  
13 with their varied applications. It shall include colleges  
14 of liberal arts, law, medicine, and such other colleges and  
15 departments, with such courses of instruction and elective  
16 studies as the state board of regents may determine from time  
17 to time. If a practitioner preparation program as defined in  
18 section ~~272.1~~ 256.100 is established by the board, it shall  
19 include the subject of physical education. Instruction in the  
20 liberal arts college shall begin, so far as practicable, at the  
21 points where the same is completed in high schools.

22 Sec. 71. Section 266.2, Code Supplement 2011, is amended to  
23 read as follows:

24 **266.2 Courses of study.**

25 There shall be adopted and taught at said university of  
26 science and technology practical courses of study, embracing  
27 in their leading branches such as relate to agriculture and  
28 mechanic arts, mines and mining, and ceramics, and such other  
29 branches as are best calculated to educate thoroughly the  
30 agricultural and industrial classes in the several pursuits  
31 and professions of life, including military tactics. If a  
32 practitioner preparation program as defined in section ~~272.1~~  
33 256.100 is established, it shall include the subject of  
34 physical education.

35 Sec. 72. Section 272A.2, Code 2011, is amended to read as



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1 follows:

2 **272A.2 Designated state official.**

3 The designated state official for this state, within the  
4 meaning of section 272A.1, article II, paragraph "b", of the  
5 interstate agreement on qualification of educational personnel,  
6 shall be the ~~executive director of the board of educational~~  
7 ~~examiners~~ administrator of the division of licensing and  
8 educator effectiveness of the department of education. The  
9 ~~executive director~~ division administrator shall enter into  
10 contracts pursuant to section 272A.1, article III, of the  
11 agreement only with the approval of the specific text thereof  
12 by the state board of ~~educational-examiners~~ education.

13 Sec. 73. Section 272A.3, Code 2011, is amended to read as  
14 follows:

15 **272A.3 Contracts on file.**

16 True copies of all contracts made on behalf of this state  
17 pursuant to the interstate agreement on qualification of  
18 educational personnel shall be kept on file by the state board  
19 of ~~educational-examiners~~ education and in the office of the  
20 secretary of state. The state board of ~~educational-examiners~~  
21 education shall publish all such contracts in convenient form.  
22 The state board of ~~educational-examiners~~ education may adopt  
23 rules pursuant to this chapter.

24 Sec. 74. Section 273.3, subsections 5 and 11, Code  
25 Supplement 2011, are amended to read as follows:

26 5. Be authorized, subject to rules of the state board of  
27 education, to provide directly or by contractual arrangement  
28 with public or private agencies for special education programs  
29 and services, media services, and educational programs and  
30 services requested by the local boards of education as provided  
31 in this chapter, including but not limited to contracts for  
32 the area education agency to provide programs or services to  
33 the local school districts and contracts for local school  
34 districts, other educational agencies, and public and private  
35 agencies to provide programs and services to the local school





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1 districts in the area education agency in lieu of the area  
2 education agency providing the services. Contracts may be made  
3 with public or private agencies located outside the state if  
4 the programs and services comply with the rules of the state  
5 board. ~~Rules adopted by the state board of education shall~~  
6 ~~be consistent with rules, adopted by the board of educational~~  
7 ~~examiners, relating to licensing of practitioners.~~

8 11. Employ personnel to carry out the functions of the  
9 area education agency which shall include the employment of an  
10 administrator who shall possess a license issued under chapter  
11 ~~272~~ 256. The administrator shall be employed pursuant to  
12 section 279.20 and sections 279.23, 279.24, and 279.25. The  
13 salary for an area education agency administrator shall be  
14 established by the board based upon the previous experience and  
15 education of the administrator. Section 279.13 applies to the  
16 area education agency board and to all teachers employed by the  
17 area education agency. Sections 279.23, 279.24, and 279.25  
18 apply to the area education board and to all administrators  
19 employed by the area education agency.

20 Sec. 75. Section 279.13, subsection 1, paragraph b,  
21 subparagraph (1), Code 2011, is amended to read as follows:

22 (1) Prior to entering into an initial contract with a  
23 teacher who holds a license other than an initial license  
24 ~~issued by the board of educational examiners~~ under chapter  
25 ~~272~~ 256, the school district shall initiate a state criminal  
26 history record check of the applicant through the division of  
27 criminal investigation of the department of public safety,  
28 submit the applicant's fingerprints to the division for  
29 submission to the federal bureau of investigation for a  
30 national criminal history record check, and review the sex  
31 offender registry information under section 692A.121 available  
32 to the general public, the central registry for child abuse  
33 information established under section 235A.14, and the central  
34 registry for dependent adult abuse information established  
35 under section 235B.5 for information regarding the applicant

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1 for employment as a teacher.

2 Sec. 76. Section 279.19B, subsection 1, paragraph a,  
3 unnumbered paragraph 1, Code 2011, is amended to read as  
4 follows:

5 The board of directors of a school district may employ for  
6 head coach of any interscholastic athletic activities or for  
7 assistant coach of any interscholastic athletic activity, an  
8 individual who possesses a coaching authorization issued ~~by the~~  
9 ~~board of educational examiners pursuant to chapter 256 or who~~  
10 possesses a teaching license with a coaching endorsement issued  
11 pursuant to chapter ~~272~~ 256. However, a board of directors of  
12 a school district shall consider applicants with qualifications  
13 described below, in the following order of priority:

14 Sec. 77. Section 279.19B, subsection 1, paragraph a,  
15 subparagraph (2), Code 2011, is amended to read as follows:

16 (2) A qualified individual who possesses a coaching  
17 authorization issued ~~by the board of educational examiners~~  
18 under chapter 256.

19 Sec. 78. Section 279.24, subsection 5, paragraph c, Code  
20 2011, is amended to read as follows:

21 c. Within five days after receipt of the written notice  
22 that the school board has voted to consider termination of  
23 the contract, the administrator may request in writing to  
24 the secretary of the school board that the notification be  
25 forwarded to the state board of educational examiners education  
26 along with a request that the state board of educational  
27 ~~examiners~~ submit a list of five qualified administrative law  
28 judges to the parties. Within three days from receipt of the  
29 list the parties shall select an administrative law judge  
30 by alternately removing a name from the list until only one  
31 name remains. The person whose name remains shall be the  
32 administrative law judge. The parties shall determine by lot  
33 which party shall remove the first name from the list. The  
34 hearing shall be held no sooner than ten days and not later  
35 than thirty days following the administrator's request unless



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1 the parties otherwise agree. If the administrator does not  
2 request a hearing, the school board, not later than May 31, may  
3 determine the continuance or discontinuance of the contract  
4 and, if the board determines to continue the administrator's  
5 contract, whether to suspend the administrator with or without  
6 pay for a period specified by the board. School board action  
7 shall be by majority roll call vote entered on the minutes of  
8 the meeting. Notice of school board action shall be personally  
9 delivered or mailed to the administrator.

10 Sec. 79. Section 279.43, Code 2011, is amended to read as  
11 follows:

12 **279.43 Reporting inappropriate teaching assignments.**

13 An employee licensed ~~by the board of educational examiners~~  
14 under chapter 256 and holding a contract as described in  
15 section 279.13 shall disclose any occurrence of a teaching  
16 assignment for which that employee is not properly licensed  
17 to the school official responsible for determining teaching  
18 assignments. Failure of the employee to disclose this  
19 occurrence or failure of the school official responsible  
20 for determining teaching assignments to make appropriate  
21 adjustments to the employee's teaching assignment once  
22 the employee discloses the occurrence shall constitute an  
23 incident of misconduct as provided in section ~~272.2~~ 256.101,  
24 subsection ~~14~~ 9, and is actionable by the board. If the  
25 school official fails to make appropriate adjustments to the  
26 teaching assignment once disclosure by the employee is made,  
27 the employee shall report this occurrence to the department or  
28 to the board for further action.

29 Sec. 80. Section 279.49, subsection 3, Code 2011, is amended  
30 to read as follows:

31 3. The person employed to be responsible for a program  
32 operated or contracted by a board that is not licensed by the  
33 department of human services shall be an appropriately licensed  
34 teacher under chapter ~~272~~ 256 or shall meet other standards  
35 adopted by the state board of education.



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1 Sec. 81. Section 280.17, subsection 2, paragraph b, Code  
2 Supplement 2011, is amended to read as follows:

3 b. If the results of an investigation of abuse of a  
4 student by a school employee who holds a license, certificate,  
5 authorization, or statement of professional recognition  
6 ~~issued by the board of educational examiners under chapter 256~~  
7 finds that the school employee's conduct constitutes a crime  
8 under any other statute, the board or the authorities, as  
9 appropriate, shall report the results of the investigation to  
10 the board of educational examiners pursuant to chapter 256.

11 Sec. 82. Section 282.3, subsection 2, paragraph a, Code  
12 2011, is amended to read as follows:

13 a. A child under the age of six years on the fifteenth of  
14 September of the current school year shall not be admitted to a  
15 public school unless the board of directors of the school has  
16 adopted and put into effect courses of study for the school  
17 year immediately preceding the first grade, approved by the  
18 department of education, and has employed a practitioner or  
19 practitioners for this work with standards of training approved  
20 by the state board of educational examiners education pursuant  
21 to chapter 256.

22 Sec. 83. Section 284.2, subsections 1, 7, and 11, Code 2011,  
23 are amended to read as follows:

24 1. "*Beginning teacher*" means an individual serving under an  
25 initial or intern license, issued by the ~~board of educational~~  
26 ~~examiners under~~ department pursuant to chapter 272 256, who  
27 is assuming a position as a teacher. For purposes of the  
28 beginning teacher mentoring and induction program created  
29 pursuant to section 284.5, "*beginning teacher*" also includes  
30 preschool teachers who are licensed ~~by the board of educational~~  
31 ~~examiners~~ under chapter ~~272~~ 256 and are employed by a school  
32 district or area education agency. "*Beginning teacher*" does  
33 not include a teacher whose employment with a school district  
34 or area education agency is probationary unless the teacher is  
35 serving under an initial or teacher intern license issued ~~by~~



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1 ~~the board of educational examiners~~ under chapter ~~272~~ 256.

2     7. "*Mentor*" means an individual employed by a school  
3 district or area education agency as a teacher or a retired  
4 teacher who holds a valid license issued under chapter ~~272~~ 256.  
5 The individual must have a record of four years of successful  
6 teaching practice, must be employed on a nonprobationary  
7 basis, and must demonstrate professional commitment to both  
8 the improvement of teaching and learning and the development  
9 of beginning teachers.

10     11. "*Teacher*" means an individual who holds a practitioner's  
11 license issued under chapter ~~272~~ 256, or a statement of  
12 professional recognition issued under chapter ~~272~~ 256 who is  
13 employed in a nonadministrative position by a school district  
14 or area education agency pursuant to a contract issued by a  
15 board of directors under section 279.13. A teacher may be  
16 employed in both an administrative and a nonadministrative  
17 position by a board of directors and shall be considered a  
18 part-time teacher for the portion of time that the teacher is  
19 employed in a nonadministrative position.

20     Sec. 84. Section 284.5, subsection 6, Code 2011, is amended  
21 to read as follows:

22     6. Upon completion of the program, the beginning teacher  
23 shall be comprehensively evaluated to determine if the teacher  
24 meets expectations to move to the career level. The school  
25 district or area education agency that employs the beginning  
26 teacher shall recommend for a standard license a beginning  
27 teacher who is determined through a comprehensive evaluation  
28 to demonstrate competence in the Iowa teaching standards. A  
29 school district or area education agency may offer a beginning  
30 teacher a third year of participation in the program if, after  
31 conducting a comprehensive evaluation, the school district  
32 determines that the teacher is likely to successfully complete  
33 the mentoring and induction program by the end of the third  
34 year of eligibility. A teacher granted a third year of  
35 eligibility shall develop a teacher's mentoring and induction

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1 program plan in accordance with this chapter and shall undergo  
2 a comprehensive evaluation at the end of the third year.  
3 ~~The board of educational examiners~~ department shall grant a  
4 one-year extension of the beginning teacher's initial license  
5 upon notification by the school district that the teacher will  
6 participate in a third year of the school district's program.

7 Sec. 85. Section 284.7, subsection 1, paragraph a,  
8 subparagraph (1), subparagraph divisions (a) and (b), Code  
9 2011, are amended to read as follows:

10 (a) Has successfully completed an approved practitioner  
11 preparation program as defined in section ~~272.1~~ 256.100  
12 or holds an intern teacher license issued ~~by the board of~~  
13 ~~educational examiners~~ under chapter ~~272~~ 256.

14 (b) Holds an initial or intern teacher license issued ~~by the~~  
15 ~~board of educational examiners~~ under chapter 256.

16 Sec. 86. Section 284.7, subsection 1, paragraph b,  
17 subparagraph (1), unnumbered paragraph 1, Code 2011, is amended  
18 to read as follows:

19 A career teacher is a teacher who holds a statement of  
20 professional recognition issued ~~by the board of educational~~  
21 ~~examiners~~ under chapter ~~272~~ 256 or who meets the following  
22 requirements:

23 Sec. 87. Section 284.7, subsection 1, paragraph b,  
24 subparagraph (1), subparagraph division (c), Code 2011, is  
25 amended to read as follows:

26 (c) Holds a valid license issued ~~by the board of educational~~  
27 ~~examiners~~ under chapter 256.

28 Sec. 88. Section 284.7, subsection 2, paragraph b,  
29 subparagraph (1), subparagraph division (b), Code 2011, is  
30 amended to read as follows:

31 (b) Holds a valid license ~~from the board of educational~~  
32 ~~examiners~~ issued under chapter 256.

33 Sec. 89. Section 284.7, subsection 2, paragraph b,  
34 subparagraph (2), Code 2011, is amended to read as follows:

35 (2) It is the intent of the general assembly that the



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1 participating district shall establish a minimum salary for  
2 an advanced teacher that is at least thirteen thousand five  
3 hundred dollars greater than the minimum career teacher  
4 salary. ~~In conjunction with the development of the review~~  
5 ~~panel pursuant to section 284.9, the department shall make~~  
6 ~~recommendations to the general assembly by January 1, 2002,~~  
7 ~~regarding the appropriate district-to-district recognition for~~  
8 ~~advanced teachers and methods that facilitate the transition of~~  
9 ~~a teacher to the advanced level.~~

10 Sec. 90. Section 284.9, subsection 1, Code 2011, is amended  
11 to read as follows:

12 1. A career II teacher seeking to receive an advanced  
13 designation shall submit a portfolio of work evidence aligned  
14 with the Iowa teaching standards to a review panel established  
15 in accordance with subsection 2. A majority of the evidence in  
16 the portfolio shall be classroom-based. The review panel shall  
17 evaluate the career II teacher's portfolio to determine whether  
18 the teacher demonstrates superior teaching skills and shall  
19 make a recommendation to the ~~board of educational examiners~~  
20 department whether or not the teacher shall receive an advanced  
21 designation. The standards for recommendation include, but  
22 are not limited to, meeting the Iowa teaching standards at an  
23 advanced level.

24 Sec. 91. Section 284.10, subsections 2 and 4, Code 2011, are  
25 amended to read as follows:

26 2. An administrator licensed under chapter ~~272~~ 256 who  
27 conducts evaluations of teachers for purposes of this chapter  
28 shall complete the evaluator training program. A practitioner  
29 licensed under chapter ~~272~~ 256 who is not an administrator  
30 may enroll in the evaluator training program. Enrollment  
31 preference shall be given to administrators. Upon successful  
32 completion, the provider shall certify that the administrator  
33 or other practitioner is qualified to conduct evaluations  
34 for employment, make recommendations for licensure, and make  
35 recommendations that a teacher is qualified to advance from one

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1 career path level to the next career path level pursuant to  
2 this chapter. Certification is for a period of five years and  
3 may be renewed.

4 4. The state board of ~~educational examiners~~ shall require  
5 certification as a condition of issuing or renewing an  
6 administrator's license under chapter 256.

7 Sec. 92. Section 284A.2, subsections 1, 2, and 7, Code 2011,  
8 are amended to read as follows:

9 1. "*Administrator*" means an individual holding a  
10 professional administrator license issued under chapter  
11 ~~272~~ 256 who is employed in a school district administrative  
12 position by a school district or area education agency  
13 pursuant to a contract issued by a board of directors under  
14 section 279.23 and is engaged in instructional leadership.  
15 An administrator may be employed in both an administrative  
16 and a nonadministrative position by a board of directors and  
17 shall be considered a part-time administrator for the portion  
18 of time that the individual is employed in an administrative  
19 position. "*Administrator*" does not include assistant principals  
20 or assistant superintendents.

21 2. "*Beginning administrator*" means an individual serving  
22 under an administrator license, issued ~~by the board of~~  
23 ~~educational examiners~~ under chapter ~~272~~ 256, who is assuming a  
24 position as a school district principal or superintendent for  
25 the first time.

26 7. "*Mentor*" means an individual employed by a school  
27 district or area education agency as a school district  
28 administrator or a retired administrator who holds a valid  
29 license issued under chapter ~~272~~ 256. The individual must have  
30 a record of four years of successful administrative experience  
31 and must demonstrate professional commitment to both the  
32 improvement of teaching and learning and the development of  
33 beginning administrators.

34 Sec. 93. Section 284A.5, subsection 5, Code 2011, is amended  
35 to read as follows:

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1     5. By the end of a beginning administrator's first year of  
2 employment, the beginning administrator may be comprehensively  
3 evaluated to determine if the administrator meets expectations  
4 to move to a professional administrator license, where  
5 appropriate. The school district or area education agency that  
6 employs a beginning administrator shall recommend the beginning  
7 administrator for a professional administrator license, where  
8 appropriate, if the beginning administrator is determined  
9 through a comprehensive evaluation to demonstrate competence in  
10 the Iowa standards for school administrators adopted pursuant  
11 to section 256.7, subsection 27. A school district or area  
12 education agency may allow a beginning administrator a second  
13 year to demonstrate competence in the Iowa standards for school  
14 administrators if, after conducting a comprehensive evaluation,  
15 the school district or area education agency determines  
16 that the administrator is likely to successfully demonstrate  
17 competence in the Iowa standards for school administrators by  
18 the end of the second year. Upon notification by the school  
19 district or area education agency, the ~~board of educational~~  
20 ~~examiners~~ department shall grant a beginning administrator  
21 who has been allowed a second year to demonstrate competence  
22 a one-year extension of the beginning administrator's initial  
23 license. An administrator granted a second year to demonstrate  
24 competence shall undergo a comprehensive evaluation at the end  
25 of the second year.

26     Sec. 94. Section 284A.6, subsection 2, Code 2011, is amended  
27 to read as follows:

28     2. In cooperation with the administrator's evaluator, the  
29 administrator who has a professional administrator license  
30 issued ~~by the board of educational examiners~~ pursuant to  
31 chapter ~~272~~ 256 and is employed by a school district or  
32 area education agency in a school district administrative  
33 position shall develop an individual administrator professional  
34 development plan. The purpose of the plan is to promote  
35 individual and group professional development. The individual

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1 plan shall be based, at a minimum, on the needs of the  
2 administrator, the Iowa standards for school administrators  
3 adopted pursuant to section 256.7, subsection 27, and the  
4 student achievement goals of the attendance center and the  
5 school district as outlined in the comprehensive school  
6 improvement plan.

7 Sec. 95. Section 284A.7, Code 2011, is amended to read as  
8 follows:

9 **284A.7 Evaluation requirements for administrators.**

10 A school district shall conduct an evaluation of an  
11 administrator who holds a professional administrator license  
12 issued under chapter ~~272~~ 256 at least once every three  
13 years for purposes of assisting the administrator in making  
14 continuous improvement, documenting continued competence in  
15 the Iowa standards for school administrators adopted pursuant  
16 to section 256.7, subsection 27, or to determine whether the  
17 administrator's practice meets school district expectations.  
18 The review shall include, at a minimum, an assessment of the  
19 administrator's competence in meeting the Iowa standards for  
20 school administrators and the goals of the administrator's  
21 individual professional development plan, including supporting  
22 documentation or artifacts aligned to the Iowa standards for  
23 school administrators and the individual administrator's  
24 professional development plan.

25 Sec. 96. Section 294.3, Code 2011, is amended to read as  
26 follows:

27 **294.3 State aid and tuition.**

28 A school shall not be deprived of its right to be approved  
29 for state aid or approved for tuition by reason of the  
30 employment of any practitioner as authorized under section  
31 ~~272.9~~ 256.113.

32 Sec. 97. Section 299A.2, Code Supplement 2011, is amended  
33 to read as follows:

34 **299A.2 Competent private instruction by licensed**  
35 **practitioner.**



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1 If a licensed practitioner provides competent instruction  
2 to a school-age child, the practitioner shall possess a valid  
3 license or certificate which has been issued ~~by the state board~~  
4 ~~of educational examiners~~ under chapter ~~272~~ 256 and which is  
5 appropriate to the ages and grade levels of the children to  
6 be taught. Competent private instruction may include but is  
7 not limited to a home school assistance program which provides  
8 instruction or instructional supervision offered through an  
9 accredited nonpublic school or public school district by a  
10 teacher, who is employed by the accredited nonpublic school or  
11 public school district, who assists and supervises a parent,  
12 guardian, or legal custodian in providing instruction to a  
13 child. If competent private instruction is provided through  
14 a public school district, the child shall be enrolled and  
15 included in the basic enrollment of the school district as  
16 provided in section 257.6. Sections 299A.3 through 299A.7  
17 do not apply to competent private instruction provided by  
18 a licensed practitioner under this section. However, the  
19 reporting requirement contained in section 299A.3, subsection  
20 1, shall apply to competent private instruction provided by  
21 licensed practitioners that is not part of a home school  
22 assistance program offered through an accredited nonpublic  
23 school or public school district.

24 Sec. 98. Section 321.178, subsection 1, paragraph b,  
25 subparagraph (2), Code Supplement 2011, is amended to read as  
26 follows:

27 (2) (a) To be qualified to provide street or highway  
28 driving instruction, a person shall be certified by the  
29 department and authorized by the ~~board~~ department of  
30 ~~educational examiners~~ education. A person shall not be  
31 required to hold a current Iowa teacher or administrator  
32 license at the elementary or secondary level or to have  
33 satisfied the educational requirements for an Iowa teacher  
34 license at the elementary or secondary level in order to  
35 be certified by the department or authorized by the ~~board~~

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1 ~~department~~ of ~~educational-examiners~~ education to provide street  
2 or highway driving instruction.

3 (b) The department shall adopt rules pursuant to chapter  
4 17A to provide for certification of persons qualified to  
5 provide street or highway driving instruction. The state  
6 board of ~~educational-examiners~~ education shall adopt rules  
7 pursuant to chapter 17A to provide for authorization of  
8 persons certified by the department to provide street or  
9 highway driving instruction. The department may disqualify a  
10 person from providing street or highway driving instruction  
11 without concurrent or further action by the ~~board~~ department  
12 of ~~educational-examiners~~ education, and the ~~board~~ department  
13 of ~~educational-examiners~~ education may withhold or withdraw  
14 authorization to provide street or highway driving instruction  
15 without concurrent or further action by the department.

16 Sec. 99. Section 321.178, subsection 1, paragraph b,  
17 subparagraph (3), unnumbered paragraph 1, Code Supplement 2011,  
18 is amended to read as follows:

19 The department shall not disqualify a person from providing  
20 street or highway driving instruction and neither the board of  
21 educational examiners nor the department of education shall ~~not~~  
22 withhold or withdraw authorization to provide street or highway  
23 instruction for the sole reason that the person was involved  
24 in a motor vehicle accident, unless either of the following  
25 circumstances exist:

26 Sec. 100. Section 622.10, subsection 8, Code Supplement  
27 2011, is amended to read as follows:

28 8. A qualified school guidance counselor, who is licensed  
29 ~~by the board of educational-examiners~~ under chapter ~~272~~ 256  
30 and who obtains information by reason of the counselor's  
31 employment as a qualified school guidance counselor, shall not  
32 be allowed, in giving testimony, to disclose any confidential  
33 communications properly entrusted to the counselor by a pupil  
34 or the pupil's parent or guardian in the counselor's capacity  
35 as a qualified school guidance counselor and necessary and

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1 proper to enable the counselor to perform the counselor's  
2 duties as a qualified school guidance counselor.

3 Sec. 101. Section 709.15, subsection 1, paragraph f, Code  
4 2011, is amended to read as follows:

5 f. "*School employee*" means a practitioner as defined in  
6 section ~~272.1~~ 256.100.

7 Sec. 102. REPEAL. Section 256.16, Code 2011, is repealed.

8 Sec. 103. REPEAL. Chapter 272, Code and Code Supplement  
9 2011, is repealed.

10 Sec. 104. TRANSITION PROVISIONS.

11 1. A license, certificate, authorization, or statement of  
12 professional recognition issued prior to the effective date of  
13 this division of this Act is valid until the expiration date  
14 established on the license, certificate, authorization, or  
15 statement of professional recognition.

16 2. Any rule, regulation, form, order, or directive  
17 promulgated by the board of educational examiners as required  
18 to administer and enforce the provisions of chapter 272, Code  
19 and Code Supplement 2011, shall continue in full force and  
20 effect until amended, repealed, or supplemented by affirmative  
21 action of the state board of education.

22 3. An administrative hearing or court proceeding arising  
23 out of an enforcement action under chapter 272 pending on  
24 the effective date of this division of this Act shall not  
25 be affected due to this division of this Act. Any cause of  
26 action or statute of limitation relating to an action taken by  
27 the board of educational examiners shall not be affected as a  
28 result of this division of this Act and such cause or statute  
29 of limitation shall apply to the state board of education, the  
30 director of the department of education, and the department of  
31 education, as applicable.

32 4. a. All employees of the board of educational examiners  
33 shall be considered employees of the department of education  
34 on the effective date of this division of this Act without  
35 incurring any loss in salary, benefits, or accrued years of



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1 service.

2 b. If an employee of the department is an employee covered  
3 under the collective bargaining provisions of chapter 20, that  
4 employee shall also be covered under chapter 20 upon employment  
5 with the department of education.

6 c. All employees of the board transitioning employment to  
7 the department pursuant to this subsection shall be considered  
8 employees for purposes of chapter 97B.

9 d. Notwithstanding any provisions to the contrary in  
10 chapter 68B or in this division of this Act, and subject to the  
11 approval of the director of the department of education, the  
12 department may employ not more than two individuals who were  
13 employed by the board.

14 5. Any replacement of signs, logos, stationery, insignia,  
15 uniforms, and related items that is made due to the effect of  
16 this division of this Act shall be done as part of the normal  
17 replacement cycle for such items.

18 6. The board of educational examiners shall assist the  
19 department of education in implementing this division of this  
20 Act by providing for an effective transition of powers and  
21 duties from one agency to another under chapters 256 and 272  
22 and related administrative rules. To the extent requested by  
23 the department of education, such assistance shall include  
24 but is not limited to assisting in cooperating with federal  
25 agencies such as the United States department of education.

26 7. Any moneys remaining in any account or fund under  
27 the control of the board of educational examiners on the  
28 effective date of this division of this Act and relating to the  
29 provisions of this division of this Act shall be transferred  
30 to a comparable fund or account under the control of the  
31 department of education for such purposes. Notwithstanding  
32 section 8.33, the moneys transferred in accordance with this  
33 subsection shall not revert to the account or fund from which  
34 appropriated or transferred.

35 8. Any license, permit, or contract issued or entered



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1 into by the board of educational examiners relating to the  
2 provisions of this division of this Act in effect on the  
3 effective date of this division of this Act shall continue  
4 in full force and effect pending transfer of such licenses,  
5 permits, or contracts to the department of education.

6 9. Federal funds utilized by the executive director of the  
7 board of educational examiners prior to the effective date of  
8 this division of this Act to employ personnel necessary for the  
9 administration of the board's programs shall be applied to and  
10 be available for the transfer of such personnel from the board  
11 office to the department of education.

12 10. The initial board of educational examiners created  
13 within the department of education shall consist of the members  
14 of the board of educational examiners appointed in accordance  
15 with section 272.3, Code 2011, serving on the effective date  
16 of this division of this Act. Said board members shall serve  
17 as members and fulfill the duties of the board of educational  
18 examiners as created by this division of this Act until such  
19 time as members of the board are appointed as provided by  
20 section 256.104 as enacted by this division of this Act.

21 DIVISION XI

22 SCHOOL INSTRUCTIONAL TIME TASK FORCE

23 Sec. 105. SCHOOL INSTRUCTIONAL TIME TASK FORCE.

24 1. The director of the department of education shall  
25 appoint a school instructional time task force comprised of at  
26 least seven members to conduct a study regarding the minimum  
27 requirements of the school day and the school year. The study  
28 shall include but not be limited to an examination of the  
29 following:

30 a. Whether the minimum length of an instructional day should  
31 be extended and, if so, whether the instructional day should be  
32 extended for all students or for specific groups of students.

33 b. Whether the minimum number of instructional days or  
34 hours in a school year should be increased and, if so, whether  
35 the minimum number of days or hours in a school year should be

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1 increased for all students or for specific groups of students.

2 c. Whether the minimum number of instructional days or hours  
3 should be rearranged to result in a shorter summer break, with  
4 other days or weeks off throughout the school year.

5 d. Whether the minimum school year should be defined by a  
6 number of days or by a number of instructional hours.

7 e. Whether there should be a uniform, statewide start date  
8 for the school year that can only be waived for the purpose of  
9 implementing an innovative educational program.

10 f. Whether resources necessary to extend the minimum length  
11 of an instructional day or the minimum length of a school year  
12 are justified when compared to competing education priorities.

13 2. The appointment of members to the task force shall  
14 be made in a manner which provides geographical area  
15 representation and complies with sections 69.16, 69.16A, and  
16 69.16C.

17 3. The task force shall submit its findings and  
18 recommendations in a report to the state board of education,  
19 the governor, and the general assembly by October 15, 2012.

20 DIVISION XII

21 ASSESSMENTS

22 Sec. 106. Section 256.7, subsection 21, paragraphs a and c,  
23 Code Supplement 2011, are amended to read as follows:

24 a. Requirements that all school districts and accredited  
25 nonpublic schools develop, implement, and file with the  
26 department a comprehensive school improvement plan that  
27 includes, but is not limited to, demonstrated school, parental,  
28 and community involvement in assessing educational needs,  
29 ~~establishing local compliance with~~ education standards  
30 in statute and adopted by rule by the state board, and  
31 with student achievement levels, and, as applicable, the  
32 consolidation of federal and state planning, goal-setting, and  
33 reporting requirements.

34 ~~c. A requirement that all school districts and accredited~~  
35 ~~nonpublic schools annually report to the department and the~~

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1 ~~local community the district-wide progress made in attaining~~  
2 ~~student achievement goals on the academic and other core~~  
3 ~~indicators and the district-wide progress made in attaining~~  
4 ~~locally established student learning goals. The Use by school~~  
5 districts and accredited nonpublic schools ~~shall demonstrate~~  
6 ~~the use of multiple statewide assessment measures identified~~  
7 ~~and approved by the state board~~ in determining student  
8 achievement levels. The school districts and accredited  
9 nonpublic schools shall also report the number of students  
10 who graduate; the number of students who drop out of school;  
11 the number of students who are tested and the percentage of  
12 students who are so tested annually; and the percentage of  
13 students who graduated during the prior school year and who  
14 completed a core curriculum. The board shall develop and  
15 adopt uniform definitions consistent with the federal No Child  
16 Left Behind Act of 2001, Pub. L. No. 107-110 and any federal  
17 regulations adopted pursuant to the federal Act. The school  
18 districts and accredited nonpublic schools may report on other  
19 locally determined factors influencing student achievement.  
20 The school districts and accredited nonpublic schools shall  
21 also report to the local community their results by individual  
22 attendance center.

23 Sec. 107. Section 256.7, subsection 21, Code Supplement  
24 2011, is amended by adding the following new paragraph:

25 NEW PARAGRAPH. *d.* By July 1, 2014, establishment by the  
26 department of an accountability system designed to hold school  
27 districts and accredited nonpublic schools accountable for  
28 student achievement. The accountability system shall, at  
29 a minimum, define and measure student achievement, student  
30 growth, student achievement gaps, college and career readiness,  
31 student well-being, parent satisfaction, school staff working  
32 conditions, school fiscal responsibility, and graduation  
33 and attendance rates. The director may at the director's  
34 discretion, or shall as directed by the state board, convene  
35 a working group to develop recommendations for any of the

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1 following:

2 (1) The accountability system established pursuant to this  
3 paragraph.

4 (2) Redesigning the accreditation procedures implemented  
5 under section 256.11.

6 (3) A compliance monitoring process aligned with the  
7 accountability system.

8 (4) Targeting support for school districts identified as  
9 needing assistance under the accountability system.

10 (5) Identifying, studying, and commending high-performing  
11 districts.

12 (6) Developing strategies to take over the operation of  
13 school districts determined pursuant to section 256.11, or  
14 under the accountability system, as persistently failing to  
15 meet educational system or student achievement standards.

16 Sec. 108. Section 256.7, subsection 26, paragraph a,  
17 subparagraph (1), Code Supplement 2011, is amended to read as  
18 follows:

19 (1) The rules establishing high school graduation  
20 requirements shall authorize a school district or  
21 accredited nonpublic school to consider that any student  
22 who satisfactorily completes a high school-level unit of  
23 English or language arts, mathematics, science, or social  
24 studies has satisfactorily completed a unit of the high  
25 school graduation requirements for that area as specified  
26 in this lettered paragraph, and shall authorize the school  
27 district or accredited nonpublic school to issue high school  
28 credit for the unit to the student. The rules shall also  
29 require administration of the college entrance examination in  
30 accordance with section 280.18.

31 Sec. 109. Section 256.7, subsection 26, Code Supplement  
32 2011, is amended by adding the following new paragraph:

33 NEW PARAGRAPH. d. Adopt by rule by July 1, 2014, a policy  
34 for the incorporation by school districts of end-of-course  
35 assessments into the district's high school graduation

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1 requirements.

2 Sec. 110. Section 256.7, subsection 28, Code Supplement  
3 2011, is amended to read as follows:

4 28. Adopt a set of core content standards applicable to  
5 all students in kindergarten through grade twelve in every  
6 school district and accredited nonpublic school. ~~For purposes~~  
7 ~~of this subsection, "core content standards" includes reading,~~  
8 ~~mathematics, and science.~~ The core content standards shall be  
9 ~~identical to the core content standards included~~ include those  
10 established in Iowa's approved 2006 standards and assessment  
11 system under Tit. I of the federal Elementary and Secondary  
12 Education Act of 1965, 20 U.S.C. § 6301 et seq., as amended  
13 by the federal No Child Left Behind Act of 2001, Pub. L. No.  
14 107-110. ~~School districts and accredited nonpublic schools~~  
15 ~~shall include, at a minimum, the core content standards adopted~~  
16 ~~pursuant to this subsection in any set of locally developed~~  
17 ~~content standards. School districts and accredited nonpublic~~  
18 ~~schools are strongly encouraged to set higher expectations~~  
19 ~~in local standards.~~ As changes in federal law or regulation  
20 occur, the state board is authorized to amend the core content  
21 standards as appropriate.

22 Sec. 111. Section 256.9, Code Supplement 2011, is amended by  
23 adding the following new subsections:

24 NEW SUBSECTION. 67. Require, every three years, a random  
25 sampling of students who are of the appropriate age and who  
26 are enrolled in school districts and schools throughout the  
27 state to take the organisation for economic co-operation and  
28 development programme for international student assessment.

29 NEW SUBSECTION. 68. Develop, by July 1, 2014, high school  
30 end-of-course assessments for subject areas included under the  
31 core content standards.

32 Sec. 112. NEW SECTION. 256.24 **Value-added assessment**  
33 **system.**

34 1. For purposes of this section, unless the context  
35 otherwise requires, "*value-added assessment*" means a method



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1 to measure gains in student achievement by conducting a  
2 statistical analysis of achievement data that reveals academic  
3 growth over time for students and groups of students, such as  
4 those in a grade level or in a school.

5 2. A value-added assessment system shall be established and  
6 implemented by the department not later than January 31, 2013,  
7 to provide for multivariate longitudinal analysis of annual  
8 student test scores to determine the influence of a school  
9 district's educational program on student academic growth and  
10 to guide school district improvement efforts. The department  
11 shall select a value-added assessment system provider through a  
12 request for proposals process. The system provider selected  
13 by the department shall offer a value-added assessment system  
14 to calculate annually the academic growth of students, as  
15 determined by the director, and tested in accordance with this  
16 section. The system provider shall, at a minimum, meet all of  
17 the following criteria:

18 a. Use a mixed-model statistical analysis that has the  
19 ability to use all achievement test data for each student,  
20 including the data for students with missing test scores, that  
21 does not adjust downward expectations for student progress  
22 based on race, poverty, or gender, and that will provide the  
23 best linear unbiased predictions of school or other educational  
24 entity effects to minimize the impact of random errors.

25 b. Have the ability to work with test data from a variety of  
26 sources, including data that are not vertically scaled, and to  
27 provide support for school districts utilizing the system.

28 c. Have the capacity to receive and report results  
29 electronically and provide support for districts utilizing the  
30 system.

31 3. The system provider shall create a mechanism to collect  
32 and evaluate data in a manner that reliably aligns the  
33 performance of the teacher with the achievement levels of and  
34 progress of the teacher's students. School districts shall  
35 report teacher-to-student alignment data to the system provider



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1 as directed by the department.

2 4. The system provider shall provide analysis to school  
3 districts and to the department of education. The analysis  
4 shall include but not be limited to attendance-center-level  
5 test results for an assessment aligned with the core content  
6 standards in the areas of reading and mathematics and other  
7 core academic areas when possible. The analysis shall also  
8 include but not be limited to the number of students tested,  
9 the number of test results used to compute the averages,  
10 the average standard score, and the corresponding grade  
11 equivalent-score, as well as measures of student progress. The  
12 system provider shall create a chart for each school district.

13 5. A school district shall have complete access to and  
14 full utilization of its own value-added assessment reports and  
15 charts generated by the system provider at the student level  
16 for the purpose of measuring student achievement at different  
17 educational entity levels.

18 6. Where student outcomes measures are available, for  
19 tested subjects and grades, student outcomes measures  
20 shall be considered by the district to validate a teacher's  
21 observational evaluation. Student outcomes measures which are  
22 a component of a teacher's evaluation are not public records  
23 for the purposes of chapter 22.

24 7. Information about student academic growth shall be  
25 used by the school district, including school board members,  
26 administration, and staff, for defining student and district  
27 learning goals and professional development related to student  
28 learning goals across the school district. A school district  
29 shall submit its academic growth measures in the annual report  
30 submitted pursuant to section 256.7, subsection 21, and may  
31 reference in the report state level norms for purposes of  
32 demonstrating school district performance.

33 8. The department shall use student academic growth data to  
34 determine school improvement and technical assistance needs of  
35 school districts, and to identify school districts achieving

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1 exceptional gains. Beginning January 15, 2013, and by January  
2 15 of each succeeding year, the department shall submit an  
3 annual progress report regarding the use of student academic  
4 growth information in the school improvement processes to the  
5 general assembly and shall publish the progress report on its  
6 internet site.

7 9. A school district shall use the value-added assessment  
8 system established by the department pursuant to subsection 1  
9 not later than the school year beginning July 1, 2013.

10 Sec. 113. Section 279.60, Code 2011, is amended to read as  
11 follows:

12 **279.60 Kindergarten assessment Assessments — access to data**  
13 **— reports.**

14 1. a. Each school district shall administer a kindergarten  
15 readiness assessment prescribed by the department of education  
16 to every resident prekindergarten or four-year-old child whose  
17 parent or guardian enrolls the child in the district.

18 b. Each school district shall administer the dynamic  
19 indicators of basic early literacy skills kindergarten  
20 benchmark assessment or other kindergarten benchmark assessment  
21 adopted by the department of education in consultation with  
22 the early childhood Iowa state board to every kindergarten  
23 student enrolled in the district not later than the date  
24 specified in section 257.6, subsection 1. The school district  
25 shall also collect information from each parent, guardian,  
26 or legal custodian of a kindergarten student enrolled in the  
27 district, including but not limited to whether the student  
28 attended preschool, factors identified by the early childhood  
29 Iowa office pursuant to section 256I.5, and other demographic  
30 factors. Each school district shall report the results of  
31 the assessment and the preschool information collected to  
32 the department of education in the manner prescribed by the  
33 department not later than January 1 of that school year. The  
34 early childhood Iowa office in the department of management  
35 shall have access to the raw data. The department shall review



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1 the information submitted pursuant to this section and shall  
2 submit its findings and recommendations annually in a report to  
3 the governor, the general assembly, the early childhood Iowa  
4 state board, and the early childhood Iowa area boards.

5 2. a. Each school district shall administer the Iowa  
6 assessments created by the state university of Iowa, to all  
7 students enrolled in grade ten in the school years beginning  
8 July 1, 2012, and July 1, 2013.

9 b. This subsection is repealed July 1, 2014.

10 3. By July 1, 2014, each school district shall administer  
11 end-of-course assessments developed pursuant to section 256.9,  
12 subsection 68, as an integral component of each course of study  
13 under the core content standards.

14 Sec. 114. **NEW SECTION. 280.18 Assessment requirements.**

15 1. The board of directors of a school district and the  
16 authorities in charge of a nonpublic school shall provide  
17 to each student enrolled in grade eleven a college entrance  
18 examination produced to assess English, reading, mathematics,  
19 and science. Each school district and nonpublic school shall  
20 offer to provide to any student enrolled in grade eleven  
21 assessments to assess reading for information, locating  
22 information, and applied mathematics.

23 2. a. If funds are made available to the department of  
24 education for such purpose, the cost of the college entrance  
25 examination administered pursuant to subsection 1 shall be paid  
26 by the department.

27 b. The cost of the career readiness assessments administered  
28 pursuant to subsection 1 shall be paid by the department if  
29 funds are available to the department for that purpose.

30 c. The costs of a college entrance examination taken by a  
31 student in addition to those specified in subsection 1 shall be  
32 the responsibility of the student.

33 3. If funds are available to the department for such  
34 purpose, the department shall make a preparation program for  
35 the college entrance examination available to all students in



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1 grade eleven. The department may contract for the necessary  
2 assessment services.

3 4. a. The school district or school shall counsel a student  
4 whose scores on the college entrance examination administered  
5 in grade eleven indicate a high degree of readiness for college  
6 to enroll in accelerated courses, with an emphasis on advanced  
7 placement and other college-level classes.

8 b. The school district or school shall provide intervention  
9 strategies for accelerated learning in the following  
10 circumstances:

11 (1) To a student whose scores on the career readiness  
12 assessments indicate that additional assistance is required  
13 in reading for information, locating information, or applied  
14 mathematics.

15 (2) To a student whose scores on the college entrance  
16 examination administered in grade eleven indicate that  
17 additional assistance is required in English, reading,  
18 mathematics, and science.

19 5. Accommodations provided by the college entrance  
20 examination provider to a student with a disability taking  
21 the college entrance examination under subsection 1 shall be  
22 provided in the following manner:

23 a. In the manner allowed by the college entrance examination  
24 provider, when results in test scores are reportable to  
25 a postsecondary institution for admissions and placement  
26 purposes, except as provided in paragraph "b".

27 b. In a manner allowed by an individualized education  
28 program developed for the student if the student is a student  
29 requiring special education under chapter 256B and the  
30 student's disability precludes valid assessment of academic  
31 ability using the accommodations provided under paragraph "a"  
32 when the student's scores are not reportable to a postsecondary  
33 institution for admissions and placement purposes.

34 6. A student's scores on the examinations administered  
35 under subsection 1 shall be recorded by the school district or





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1 school in the student's official education record.

2 DIVISION XIII

3 NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS AWARDS

4 Sec. 115. Section 256.44, subsection 1, paragraph a, Code  
5 2011, is amended to read as follows:

6 a. If a teacher registers for national board for  
7 professional teaching standards certification ~~by~~ after December  
8 31, 2007, a one-time initial reimbursement award in the amount  
9 of up to one-half of the registration fee paid by the teacher  
10 for registration for certification by the national board for  
11 professional teaching standards. The teacher shall apply to  
12 the department ~~within one year of registration~~ in a manner and  
13 according to procedures required by the department, submitting  
14 to the department any documentation the department requires.  
15 A teacher who receives an initial reimbursement award shall  
16 receive a one-time final registration award in the amount of  
17 the remaining national board registration fee paid by the  
18 teacher if the teacher notifies the department of the teacher's  
19 certification achievement and submits any documentation  
20 requested by the department.

21 Sec. 116. Section 256.44, subsection 1, paragraph b,  
22 subparagraph (1), subparagraph division (b), Code 2011, is  
23 amended to read as follows:

24 (b) If the teacher registers for national board for  
25 professional teaching standards certification ~~between January~~  
26 ~~1, 1999, and December 31, 2007,~~ and achieves certification  
27 within the timelines and policies established by the national  
28 board for professional teaching standards, an annual award in  
29 the amount of two thousand five hundred dollars upon achieving  
30 certification by the national board of professional teaching  
31 standards.

32 DIVISION XIV

33 EDUCATOR EMPLOYMENT AND PROFESSIONAL DEVELOPMENT MATTERS

34 Sec. 117. Section 256.7, Code Supplement 2011, is amended by  
35 adding the following new subsection:

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1     NEW SUBSECTION. 32. Adopt rules providing for the  
2 establishment of a statewide plan for professional development  
3 for practitioners employed in Iowa's school districts. The  
4 statewide plan shall be designed to make every reasonable  
5 effort to utilize best practices, current technologies, and  
6 social media, and shall be implemented by the area education  
7 agencies pursuant to section 273.2.

8     Sec. 118. Section 256.9, Code Supplement 2011, is amended by  
9 adding the following new subsection:

10    NEW SUBSECTION. 69. Approve, amend and approve, or  
11 reject each professional development plan submitted pursuant  
12 to section 273.2, in accordance with the rules adopted  
13 pursuant to section 256.7, subsection 32, providing for the  
14 establishment of a statewide professional development plan  
15 for practitioners. The director may grant a waiver to a  
16 school district exempting the school district from utilizing  
17 the area professional development plan approved pursuant to  
18 this subsection if the director determines that the school  
19 district's professional development plan achieves the goals for  
20 professional development established in accordance with section  
21 256.7, subsection 32.

22    Sec. 119. Section 257.10, subsection 10, paragraph d, Code  
23 2011, is amended to read as follows:

24    d. The use of the funds calculated under this subsection  
25 shall comply with the requirements of section 256.7, subsection  
26 32, and chapter 284.

27    Sec. 120. Section 257.10, subsection 10, Code 2011, is  
28 amended by adding the following new paragraph:

29    NEW PARAGRAPH. e. For the budget year beginning July 1,  
30 2012, and succeeding budget years, the department of management  
31 shall reduce the distributions from the amount generated by the  
32 total professional development supplement district cost to each  
33 school district for the budget year by ten percent. However,  
34 for purposes of the calculation of the combined district cost  
35 pursuant to section 257.10, subsection 8, and the calculation

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1 of the additional property tax pursuant to section 257.4, the  
2 total professional development supplement district cost is the  
3 amount which results after the reduction made pursuant to this  
4 paragraph.

5 Sec. 121. Section 257.16, Code 2011, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 5. There is appropriated to the department  
8 of education for the fiscal year beginning July 1, 2012, and  
9 each fiscal year thereafter, an amount equal to the amount of  
10 the professional development supplement reduction, determined  
11 pursuant to section 257.10, subsection 10, paragraph "e", and  
12 section 257.37A, subsection 2, paragraph "d", for purposes  
13 of implementing a statewide professional development plan in  
14 accordance with section 256.7, subsection 32.

15 Sec. 122. Section 257.37A, subsection 2, paragraph d, Code  
16 2011, is amended to read as follows:

17 d. The use of the funds calculated under this subsection  
18 shall comply with requirements of section 256.7, subsection 32,  
19 and chapter 284.

20 Sec. 123. Section 257.37A, subsection 2, Code 2011, is  
21 amended by adding the following new paragraph:

22 NEW PARAGRAPH. e. For the budget year beginning July 1,  
23 2012, and succeeding budget years, the department of management  
24 shall reduce the distributions from the amount generated by the  
25 total area education agency professional development supplement  
26 district cost to each area education agency for the budget  
27 year by ten percent. However, for purposes of the calculation  
28 of the combined district cost pursuant to section 257.10,  
29 subsection 8, and the calculation of the additional property  
30 tax pursuant to section 257.4, the total area educational  
31 agency professional development supplement district cost is the  
32 amount which results after the reduction made pursuant to this  
33 paragraph.

34 Sec. 124. Section 260C.39, subsection 3, Code 2011, is  
35 amended to read as follows:

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1     3. The terms of employment of personnel, for the academic  
2 year following the effective date of the agreement to combine  
3 the merged areas shall not be affected by the combination of  
4 the merged areas, except in accordance with the procedures  
5 under sections 279.15 to ~~279.18~~ 279.17 and section 279.24,  
6 to the extent those procedures are applicable, or under the  
7 terms of the base bargaining agreement. The authority and  
8 responsibility to offer new contracts or to continue, modify,  
9 or terminate existing contracts pursuant to any applicable  
10 procedures under chapter 279, shall be transferred to the  
11 acting, and then to the new, board of the combined merged area  
12 upon certification of a favorable vote to each of the merged  
13 areas affected by the agreement. The collective bargaining  
14 agreement of the merged area receiving the greatest amount of  
15 general state aid shall serve as the base agreement for the  
16 combined merged area and the employees of the merged areas  
17 which combined to form the new combined merged area shall  
18 automatically be accreted to the bargaining unit from that  
19 former merged area for purposes of negotiating the contracts  
20 for the following years without further action by the public  
21 employment relations board. If only one collective bargaining  
22 agreement is in effect among the merged areas which are  
23 combining under this section, then that agreement shall serve  
24 as the base agreement, and the employees of the merged areas  
25 which are combining to form the new combined merged area shall  
26 automatically be accreted to the bargaining unit of that former  
27 merged area for purposes of negotiating the contracts for the  
28 following years without further action by the public employment  
29 relations board. The board of the combined merged area, using  
30 the base agreement as its existing contract, shall bargain with  
31 the combined employees of the merged areas that have agreed  
32 to combine for the academic year beginning with the effective  
33 date of the agreement to combine merged areas. The bargaining  
34 shall be completed by March 15 prior to the academic year in  
35 which the agreement to combine merged areas becomes effective



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1 or within one hundred eighty days after the organization of  
2 the acting board of the new combined merged area, whichever  
3 is later. If a bargaining agreement was already concluded in  
4 the former merged area which has the collective bargaining  
5 agreement that is serving as the base agreement for the new  
6 combined merged area, between the former merged area board  
7 and the employees of the former merged area, that agreement  
8 is void, unless the agreement contained multiyear provisions  
9 affecting academic years subsequent to the effective date of  
10 the agreement to form a combined merged area. If the base  
11 collective bargaining agreement contains multiyear provisions,  
12 the duration and effect of the agreement shall be controlled  
13 by the terms of the agreement. The provisions of the base  
14 agreement shall apply to the offering of new contracts, or  
15 the continuation, modification, or termination of existing  
16 contracts between the acting or new board of the combined  
17 merged area and the combined employees of the new combined  
18 merged area.

19 Sec. 125. Section 261.48, subsection 1, paragraph a, Code  
20 2011, is amended to read as follows:

21 a. Is a teacher employed on a full-time basis under sections  
22 279.13 through 279.17 and 279.19 in a school district in this  
23 state, is a teacher in an approved nonpublic school in this  
24 state, or is a licensed teacher at the Iowa braille and sight  
25 saving school or the Iowa school for the deaf.

26 Sec. 126. Section 262.9, subsection 2, Code Supplement  
27 2011, is amended to read as follows:

28 2. Elect a president of each of the institutions of higher  
29 learning; a superintendent of each of the other institutions;  
30 a treasurer and a secretarial officer for each institution  
31 annually; professors, instructors, officers, and employees;  
32 and fix their compensation. Sections 279.12 through 279.17,  
33 279.19, and ~~section~~ 279.27 apply to employees of the Iowa  
34 braille and sight saving school and the state school for  
35 the deaf, who are licensed pursuant to chapter ~~272~~ 256. In

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1 following those sections in chapter 279, the references to  
2 boards of directors of school districts shall be interpreted to  
3 apply to the board of regents.

4 Sec. 127. Section 272.15, subsection 1, paragraph a, Code  
5 Supplement 2011, is amended to read as follows:

6 a. The board of directors of a school district or area  
7 education agency, the superintendent of a school district or  
8 the chief administrator of an area education agency, and the  
9 authorities in charge of a nonpublic school shall report to the  
10 board the nonrenewal or termination, for reasons of alleged  
11 or actual misconduct, of a person's contract executed under  
12 sections 279.12, 279.13, 279.15, 279.16, 279.17, 279.19 through  
13 279.21, 279.23, and 279.24, and the resignation of a person who  
14 holds a license, certificate, or authorization issued by the  
15 board as a result of or following an incident or allegation  
16 of misconduct that, if proven, would constitute a violation  
17 of the rules adopted by the board to implement section 272.2,  
18 subsection 14, paragraph "b", subparagraph (1), when the  
19 board or reporting official has a good faith belief that the  
20 incident occurred or the allegation is true. The board may  
21 deny a license or revoke the license of an administrator if  
22 the board finds by a preponderance of the evidence that the  
23 administrator failed to report the termination or resignation  
24 of a school employee holding a license, certificate, statement  
25 of professional recognition, or coaching authorization, for  
26 reasons of alleged or actual misconduct, as defined by this  
27 section.

28 Sec. 128. Section 273.2, Code Supplement 2011, is amended by  
29 adding the following new subsection:

30 NEW SUBSECTION. 10. The area education agency boards shall  
31 each annually submit to the department of education a plan  
32 for a professional development program, to be implemented in  
33 the following fiscal year, which combines the professional  
34 development priorities of the state board of education,  
35 in accordance with section 256.7, subsection 32, with the

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1 professional development needs of the schools and school  
2 districts in the area. The area education agency board shall  
3 provide professional development services under the approved  
4 program to local school districts in the area.

5 Sec. 129. Section 273.22, subsection 1, Code 2011, is  
6 amended to read as follows:

7 1. The terms of employment of the administrator and staff  
8 of affected area education agencies for the school year  
9 beginning with the effective date of the formation of the new  
10 area education agency shall not be affected by the formation  
11 of the new area education agency, except in accordance with  
12 the provisions of sections 279.15 through ~~279.18~~ 279.17,  
13 and 279.24, and the authority and responsibility to offer  
14 new contracts or to continue, modify, or terminate existing  
15 contracts pursuant to sections 279.12, 279.13, 279.15,  
16 279.16, 279.17, 279.19 through 279.21, 279.23, and 279.24  
17 for the school year beginning with the effective date of the  
18 reorganization shall be transferred from the boards of the  
19 existing area education agencies to the board of the new area  
20 education agency following approval of the reorganization plan  
21 by the state board as provided in section 273.21, subsection 4.

22 Sec. 130. Section 275.33, subsection 1, Code 2011, is  
23 amended to read as follows:

24 1. The terms of employment of superintendents, principals,  
25 and teachers, for the school year following the effective date  
26 of the formation of the new district shall not be affected by  
27 the formation of the new district, except in accordance with  
28 the provisions of sections 279.15 to ~~279.18~~ 279.17 and 279.24  
29 and the authority and responsibility to offer new contracts or  
30 to continue, modify, or terminate existing contracts pursuant  
31 to sections 279.12, 279.13, 279.15, 279.16, 279.17, 279.19 to  
32 279.21, 279.23, and 279.24 for the school year beginning with  
33 the effective date of the reorganization shall be transferred  
34 from the boards of the existing districts to the board of the  
35 new district on the third Tuesday of January prior to the

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1 school year the reorganization is effective.

2 Sec. 131. Section 279.13, subsection 5, Code 2011, is  
3 amended to read as follows:

4 5. Notwithstanding the other provisions of this section, a  
5 temporary contract may be issued to a teacher to fill a vacancy  
6 created by a leave of absence in accordance with the provisions  
7 of section 29A.28, which contract shall automatically terminate  
8 upon return from military leave of the former incumbent of the  
9 teaching position and which contract shall not be subject to  
10 the provisions of sections 279.15 through 279.17, 279.19, ~~or~~  
11 ~~section and~~ 279.27. A separate extracurricular contract issued  
12 pursuant to section 279.19A to a person issued a temporary  
13 contract under this section shall automatically terminate with  
14 the termination of the temporary contract as required under  
15 section 279.19A, subsection 8.

16 Sec. 132. Section 279.13, Code 2011, is amended by adding  
17 the following new subsection:

18 NEW SUBSECTION. 6. Notwithstanding the other provisions  
19 of this section and any contrary provision of the Code, if  
20 the board of directors of a school district or charter school  
21 institutes, by majority vote of the membership of the board,  
22 a reduction in force, a decision by the board not to renew a  
23 teacher contract shall be based upon the following:

24 a. The teacher's effectiveness as demonstrated in  
25 evaluations conducted under the teacher evaluation plan adopted  
26 pursuant to section 284.4, and the teacher's performance review  
27 conducted pursuant to section 284.8.

28 b. The teacher's licensure and endorsements and the needs of  
29 the school district or school, and the needs of the students.

30 c. The teacher's hiring date may be taken into consideration  
31 only if the bases existing under paragraphs "a" and "b" are  
32 substantially equal to the bases existing under paragraphs "a"  
33 and "b" for another teacher.

34 Sec. 133. Section 279.16, subsection 4, Code 2011, is  
35 amended to read as follows:

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1     4. The board shall not be bound by common law or statutory  
2 rules of evidence or by technical or formal rules of procedure,  
3 but it shall hold the hearing in such manner as is best suited  
4 to ascertain and conserve the substantial rights of the  
5 parties. Process and procedure under sections 279.13 to 279.17  
6 and 279.19 shall be as summary as reasonably may be.

7     Sec. 134. Section 279.17, subsections 1, 5, and 7, Code  
8 2011, are amended to read as follows:

9     1. If the teacher is no longer a probationary teacher, the  
10 teacher may, within ~~ten~~ five days, appeal the determination of  
11 the board to an adjudicator by filing a notice of appeal with  
12 the secretary of the board. The notice of appeal shall contain  
13 a concise statement of the action which is the subject of the  
14 appeal, the particular board action appealed from, the grounds  
15 on which relief is sought and the relief sought.

16     5. Before the date set for hearing a petition for review  
17 of board action, which shall be within ~~ten~~ five days after  
18 receipt of the record unless otherwise agreed or unless the  
19 adjudicator orders additional evidence be taken before the  
20 board, application may be made to the adjudicator for leave to  
21 present evidence in addition to that found in the record of the  
22 case. If it is shown to the adjudicator that the additional  
23 evidence is material and that there were good reasons for  
24 failure to present it in the private hearing before the board,  
25 the adjudicator may order that the additional evidence be taken  
26 before the board upon conditions determined by the adjudicator.  
27 The board may modify its findings and decision in the case by  
28 reason of the additional evidence and shall file that evidence  
29 and any modifications, new findings, or decisions, with the  
30 adjudicator and mail copies of the new findings or decisions  
31 to the teacher.

32     7. The adjudicator shall, within ~~fifteen~~ five days after the  
33 hearing, make a decision and shall give a copy of the decision  
34 to the teacher and the secretary of the board. The decision  
35 of the adjudicator shall become the final and binding decision



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1 of the board ~~unless either party within ten days notifies the~~  
2 ~~secretary of the board that the decision is rejected. The~~  
3 ~~board may reject the decision by majority vote, by roll call,~~  
4 ~~in open meeting and entered into the minutes of the meeting.~~  
5 ~~The board shall immediately notify the teacher of its decision~~  
6 ~~by certified mail. The teacher may reject the adjudicator's~~  
7 ~~decision by notifying the board's secretary in writing within~~  
8 ~~ten days of the filing of such decision.~~

9 Sec. 135. Section 279.17, subsection 4, paragraph a, Code  
10 2011, is amended to read as follows:

11 a. Within ~~thirty~~ five days after filing the notice of  
12 appeal, or within further time allowed by the adjudicator,  
13 the board shall transmit to the adjudicator the original or  
14 a certified copy of the entire record of the private hearing  
15 which may be the subject of the petition. By stipulation  
16 of the parties to review the proceedings, the record of the  
17 case may be shortened. The adjudicator may require or permit  
18 subsequent corrections or additions to the shortened record.

19 Sec. 136. Section 279.17, subsection 6, paragraph b, Code  
20 2011, is amended by striking the paragraph.

21 Sec. 137. Section 279.19, Code 2011, is amended to read as  
22 follows:

23 **279.19 Probationary period.**

24 1. ~~The~~ For a teacher first employed by a school district  
25 on or after July 1, 2012, the first ~~three~~ five consecutive  
26 years of employment of a ~~the~~ teacher in the ~~same~~ that school  
27 district are a probationary period. However, if the teacher  
28 has successfully completed a probationary period of employment  
29 for another school district located in Iowa, the probationary  
30 period in the current district of employment shall not exceed  
31 one year. A board of directors may waive the probationary  
32 period for any teacher who previously has served a probationary  
33 period in another school district and the board may extend the  
34 probationary period for an additional year with the consent of  
35 the teacher.



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1     2. In the case of the termination of a probationary  
2 teacher's contract, the provisions of sections 279.15 and  
3 279.16 shall apply. ~~However, if the probationary teacher is a~~  
4 ~~beginning teacher who fails to demonstrate competence in the~~  
5 ~~Iowa teaching standards in accordance with chapter 284, the~~  
6 ~~provisions of sections 279.17 and 279.18 shall also apply.~~

7     3. The board's decision shall be final and binding unless  
8 the termination was based upon an alleged violation of a  
9 constitutionally guaranteed right of the teacher or an alleged  
10 violation of public employee rights of the teacher under  
11 section 20.10.

12     4. Notwithstanding any provision to the contrary, the  
13 grievance procedures of section 20.18 relating to job  
14 performance or job retention shall not apply to a teacher  
15 during the first two years of the teacher's probationary  
16 period. However, except as provided in section 284.8, this  
17 ~~paragraph~~ subsection shall not apply to a teacher who has  
18 successfully completed a probationary period in a school  
19 district in Iowa.

20     Sec. 138. Section 279.19A, subsection 2, paragraph a, Code  
21 2011, is amended to read as follows:

22     a. An extracurricular contract shall be continued  
23 automatically in force and effect for equivalent periods,  
24 except as modified or terminated by mutual agreement of  
25 the board of directors and the employee, or terminated in  
26 accordance with this section. An extracurricular contract  
27 shall initially be offered by the employing board to an  
28 individual on the same date that contracts are offered to  
29 teachers under section 279.13. An extracurricular contract  
30 may be terminated at the end of a school year pursuant to  
31 sections 279.15 through 279.17 and 279.19. If the school  
32 district offers an extracurricular contract for a sport for  
33 the subsequent school year to an employee who is currently  
34 performing under an extracurricular contract for that sport,  
35 and the employee does not wish to accept the extracurricular

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1 contract for the subsequent year, the employee may resign from  
2 the extracurricular contract within twenty-one days after it  
3 has been received.

4 Sec. 139. Section 279.19B, subsections 2 and 3, Code 2011,  
5 are amended to read as follows:

6 2. An individual who has been issued a coaching  
7 authorization or who possesses a teaching license with a  
8 coaching endorsement but is not issued a teaching contract  
9 under section 279.13 and who is employed by the board of  
10 directors of a school district serves at the pleasure of the  
11 board of directors and is not subject to sections 279.13  
12 through 279.17, 279.19, and 279.27. Subsection 1 of section  
13 279.19A applies to coaching authorizations.

14 3. The licensure and coaching authorization requirements  
15 of this section shall not apply to community colleges.  
16 An individual employed as a coach of a community college  
17 interscholastic athletic activity who is not issued a teaching  
18 contract under section 279.13 serves at the pleasure of the  
19 board of directors of the community college and is not subject  
20 to sections 279.13 through 279.17, 279.19, and 279.27.

21 Sec. 140. Section 279.24, subsection 4, Code 2011, is  
22 amended to read as follows:

23 4. Administrators employed in a school district for  
24 less than ~~two~~ five consecutive years are probationary  
25 administrators. However, a school board may waive the  
26 probationary period for any administrator who has previously  
27 served a probationary period in another school district and  
28 the school board may extend the probationary period for an  
29 additional year with the consent of the administrator. If a  
30 school board determines that it should terminate a probationary  
31 administrator's contract, the school board shall notify the  
32 administrator not later than May 15 that the contract will not  
33 be renewed beyond the current year. The notice shall be in  
34 writing by letter, personally delivered, or mailed by certified  
35 mail. The notification shall be complete when received by

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1 the administrator. Within ~~ten~~ five days after receiving the  
2 notice, the administrator may request a private conference  
3 with the school board to discuss the reasons for termination.  
4 The school board's decision to terminate a probationary  
5 administrator's contract shall be final unless the termination  
6 was based upon an alleged violation of a constitutionally  
7 guaranteed right of the administrator.

8 Sec. 141. Section 279.24, subsection 5, paragraphs c  
9 through i, Code 2011, are amended to read as follows:

10 c. Within five days after receipt of the written notice  
11 that the school board has voted to consider termination  
12 of the contract, the administrator may request in writing  
13 to the secretary of the school board that the notification  
14 be forwarded to the ~~board of educational examiners~~ public  
15 employee relations board along with a request that the ~~board~~  
16 ~~of educational examiners~~ public employee relations board  
17 submit a list of five qualified ~~administrative law judges~~  
18 adjudicators to the parties. Within three days from receipt  
19 of the list, the parties shall select an ~~administrative law~~  
20 ~~judge~~ adjudicator by alternately removing a name from the list  
21 until only one name remains. The person whose name remains  
22 shall be the ~~administrative law judge~~ adjudicator. The parties  
23 shall determine by lot which party shall remove the first name  
24 from the list. The hearing shall be held no sooner than ~~ten~~  
25 five days and not later than ~~thirty~~ five days following the  
26 administrator's request unless the parties otherwise agree.  
27 If the administrator does not request a hearing, the school  
28 board, not later than May 31, may determine the continuance or  
29 discontinuance of the contract and, if the board determines to  
30 continue the administrator's contract, whether to suspend the  
31 administrator with or without pay for a period specified by  
32 the board. School board action shall be by majority roll call  
33 vote entered on the minutes of the meeting. Notice of school  
34 board action shall be personally delivered or mailed to the  
35 administrator.



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1     ~~d.~~ The ~~administrative law judge~~ adjudicator selected shall  
2 notify the secretary of the school board and the administrator  
3 in writing concerning the date, time, and location of the  
4 hearing. The school board may be represented by a legal  
5 representative, if any, and the administrator shall appear and  
6 may be represented by counsel or by representative, if any.  
7 A transcript or recording shall be made of the proceedings  
8 at the hearing. A school board member or administrator is  
9 not liable for any damage to an administrator or school board  
10 member if a statement made at the hearing is determined to be  
11 erroneous as long as the statement was made in good faith. The  
12 adjudicator may affirm board action or remand the case to the  
13 board for further proceedings. The adjudicator shall reverse,  
14 modify, or grant any appropriate relief from the board action  
15 if substantial rights of the administrator have been prejudiced  
16 because the board's action is any of the following:

17     (1) In violation of a board rule or policy or contract.  
18     (2) Unreasonable, arbitrary, or capricious or characterized  
19 by an abuse of discretion or a clearly unwarranted exercise of  
20 discretion.

21     ~~e.~~ The ~~administrative law judge~~ adjudicator shall, within  
22 ~~ten~~ five days following the date of the hearing, make a  
23 proposed decision as to whether or not the administrator  
24 should be dismissed, and shall give a copy of the proposed  
25 decision to the administrator and the school board. Findings  
26 of fact shall be prepared by the ~~administrative law judge~~  
27 adjudicator. The proposed decision of the ~~administrative law~~  
28 ~~judge~~ adjudicator shall become the final decision of the school  
29 board ~~unless within ten days after the filing of the decision~~  
30 ~~the administrator files a written notice of appeal with the~~  
31 ~~school board, or the school board on its own motion determines~~  
32 ~~to review the decision.~~

33     ~~f.~~ ~~If the administrator appeals to the school board, or if~~  
34 ~~the school board determines on its own motion to review the~~  
35 ~~proposed decision of the administrative law judge, a private~~

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~~1 hearing shall be held before the school board within five days  
2 after the petition for review, or motion for review, has been  
3 made or at such other time as the parties agree. The private  
4 hearing is not subject to chapter 21. The school board may  
5 hear the case de novo upon the record as submitted before the  
6 administrative law judge. In cases where there is an appeal  
7 from a proposed decision or where a proposed decision is  
8 reviewed on motion of the school board, an opportunity shall be  
9 afforded to each party to file exceptions, present briefs, and  
10 present oral arguments to the school board which is to render  
11 the final decision. The secretary of the school board shall  
12 give the administrator written notice of the time, place, and  
13 date of the hearing. The school board shall meet within five  
14 days after the hearing to determine the question of continuance  
15 or discontinuance of the contract and, if the board determines  
16 to continue the administrator's contract, whether to suspend  
17 the administrator with or without pay for a period specified  
18 by the board. The school board shall make findings of fact  
19 which shall be based solely on the evidence in the record and  
20 on matters officially noticed in the record.~~

~~21 g. The decision of the school board shall be in writing  
22 and shall include findings of fact and conclusions of law,  
23 separately stated. Findings of fact, if set forth in statutory  
24 language, shall be accompanied by a concise and explicit  
25 statement of the underlying facts supporting the findings.  
26 Each conclusion of law shall be supported by cited authority  
27 or by reasoned opinion.~~

~~28 h. When the school board has reached a decision, opinion,  
29 or conclusion, it shall convene in open meeting and by roll  
30 call vote determine the continuance or discontinuance of  
31 the administrator's contract and, if the board votes to  
32 continue the administrator's contract, whether to suspend the  
33 administrator with or without pay for a period specified by  
34 the board. The record of the private conference and findings  
35 of fact and exceptions shall be exempt from the provisions of~~

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1 ~~chapter 22.~~

2 f. The secretary of the school board shall immediately  
3 personally deliver or mail notice of the ~~school board's~~  
4 adjudicator's action to the administrator.

5 ~~i.~~ ~~The administrator may within thirty days after~~  
6 ~~notification by the school board of discontinuance of the~~  
7 ~~contract appeal to the district court of the county in which~~  
8 ~~the administrative office of the school district is located.~~

9 Sec. 142. Section 279.24, subsection 6, Code 2011, is  
10 amended by striking the subsection.

11 Sec. 143. Section 279.27, Code 2011, is amended to read as  
12 follows:

13 **279.27 Discharge of teacher.**

14 A teacher may be discharged at any time during the  
15 contract year for just cause. The superintendent or the  
16 superintendent's designee, shall notify the teacher immediately  
17 that the superintendent will recommend in writing to the board  
18 at a regular or special meeting of the board held not more  
19 than fifteen days after notification has been given to the  
20 teacher that the teacher's continuing contract be terminated  
21 effective immediately following a decision of the board. The  
22 procedure for dismissal shall be as provided in section 279.15,  
23 subsection 2, and sections 279.16 ~~to~~, 279.17, and 279.19. The  
24 superintendent may suspend a teacher under this section pending  
25 hearing and determination by the board.

26 Sec. 144. Section 284.3, subsection 2, paragraph a, Code  
27 2011, is amended to read as follows:

28 a. For purposes of comprehensive evaluations for beginning  
29 teachers required to allow beginning teachers to progress to  
30 career teachers, standards and criteria that are the Iowa  
31 teaching standards specified in subsection 1 and the criteria  
32 for the Iowa teaching standards developed by the department in  
33 accordance with section 256.9, subsection 46. These standards  
34 and criteria shall be set forth in an instrument provided by  
35 the department. The comprehensive evaluation and instrument





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1 are not subject to negotiations or grievance procedures  
2 pursuant to chapter 20 or determinations made by the board of  
3 directors under section 279.14. A local school board and its  
4 certified bargaining representative may negotiate, pursuant to  
5 chapter 20, evaluation and grievance procedures for beginning  
6 teachers that are not in conflict with this chapter. ~~If, in~~  
7 ~~accordance with section 279.19, a beginning teacher appeals the~~  
8 ~~determination of a school board to an adjudicator under section~~  
9 ~~279.17, the adjudicator selected shall have successfully~~  
10 ~~completed training related to the Iowa teacher standards, the~~  
11 ~~criteria adopted by the state board of education in accordance~~  
12 ~~with subsection 3, and any additional training required under~~  
13 ~~rules adopted by the public employment relations board in~~  
14 ~~cooperation with the state board of education.~~

15 Sec. 145. Section 284.6, subsection 1, unnumbered paragraph  
16 1, Code Supplement 2011, is amended to read as follows:

17 The department shall ~~coordinate a~~ implement the statewide  
18 ~~network of~~ plan for professional development for Iowa teachers  
19 practitioners established pursuant to section 256.7, subsection  
20 32. A school district shall utilize the area professional  
21 development plan approved by the director of the department  
22 pursuant to section 256.9, subsection 69, unless the school  
23 district is granted a waiver in accordance with section  
24 256.9, subsection 69. A In addition, a school district or  
25 professional development provider that offers a career and  
26 professional development ~~program~~ programs in accordance  
27 with section 256.9, ~~subsection~~ subsections 46, and 69 shall  
28 demonstrate that the ~~program contains~~ programs contain the  
29 following:

30 Sec. 146. Section 284.6, Code Supplement 2011, is amended by  
31 adding the following new subsection:

32 NEW SUBSECTION. 5A. The director may waive the requirements  
33 relating to the development and review of an individual teacher  
34 professional development plan for a school district that  
35 utilizes a peer review teacher evaluation system in which

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1 consulting teachers, in conjunction with school administrators,  
2 make formal evaluations of the school district's teachers,  
3 including but not limited to each teacher's professional  
4 growth and employment status. Notwithstanding section 284.8,  
5 subsection 1, if the school district is granted a waiver  
6 pursuant to this subsection, the review conducted pursuant to  
7 section 284.8, subsection 1, shall include a teacher's review  
8 conducted utilizing the peer review teacher evaluation system.

9 Sec. 147. Section 284.8, Code 2011, is amended by adding the  
10 following new subsection:

11 NEW SUBSECTION. 5. Notwithstanding any provision to  
12 the contrary, if a teacher does not successfully complete an  
13 intensive assistance program as required under subsection 4,  
14 the board of directors of a school district may place the  
15 teacher on probationary status in accordance with section  
16 279.19 for the school year following the year in which the  
17 teacher participated in the intensive assistance program.

18 Sec. 148. TRANSITIONAL PROVISION. The probationary period  
19 provisions of section 279.19, Code 2011, shall apply to a  
20 teacher employed by a school district prior to July 1, 2012,  
21 until the end of the teacher's continuous employment by that  
22 school district or until the teacher successfully completes the  
23 probationary period in accordance with section 279.19, Code  
24 2011.

25 Sec. 149. REPEAL. Section 279.18, Code 2011, is repealed.

26 DIVISION XV

27 CHARTER SCHOOL CHANGES

28 Sec. 150. Section 256F.1, subsections 1 and 2, Code 2011,  
29 are amended by striking the subsections.

30 Sec. 151. Section 256F.1, subsection 3, unnumbered  
31 paragraph 1, Code 2011, is amended to read as follows:

32 The purpose of a charter school ~~or an innovation zone school~~  
33 established pursuant to this chapter shall be to accomplish the  
34 following:

35 Sec. 152. Section 256F.1, subsection 4, Code 2011, is

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1 amended by striking the subsection and inserting in lieu  
2 thereof the following:

3     4. This section shall not be construed to provide a means  
4 to keep open a school that the board of directors of a school  
5 district closes. However, a school board may endorse or  
6 authorize the establishing of a charter school to replace the  
7 school the board closes. Applicants seeking a charter under  
8 this circumstance shall demonstrate to the state board that  
9 the charter sought is substantially different in purpose and  
10 program from the school the board closes and that the proposed  
11 charter satisfies the requirements of this section. The state  
12 board shall not approve an application submitted under section  
13 256F.5 if the application does not comply with this subsection.

14     Sec. 153. Section 256F.2, subsections 1 and 6, Code 2011,  
15 are amended by striking the subsections and inserting in lieu  
16 thereof the following:

17     1. "*Applicant*" means an entity eligible to submit to the  
18 state board an application to charter a school in accordance  
19 with this chapter. "*Applicant*" includes any of the following:

20     a. The board of directors of a school district.

21     b. A consortium consisting of the boards of directors of two  
22 or more school districts.

23     c. An area education agency board.

24     d. A consortium consisting of the boards of directors of  
25 an area education agency and one or more school districts, at  
26 least one of which is located within the boundaries of the area  
27 education agency.

28     e. The board of directors of a community college.

29     f. A consortium consisting of the boards of directors of a  
30 community college and one or more school districts, at least  
31 one of which is located within the boundaries of the community  
32 college.

33     g. An institution of higher education governed by the state  
34 board of regents.

35     h. A consortium consisting of an institution of higher



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1 education governed by the state board of regents and the board  
2 of directors of one or more school districts.

3 *i.* A consortium consisting of one or more accredited private  
4 institutions as defined in section 261.9, all of which shall be  
5 exempt from taxation under section 501(c)(3) of the Internal  
6 Revenue Code, and the board of directors of one or more school  
7 districts.

8 *j.* A consortium consisting of the governing body of a city  
9 or county with a population over one hundred thousand and the  
10 board of directors of one or more school districts located, at  
11 least in part, within the boundaries of the city or county.

12 *k.* A nonsectarian, nonreligious charitable organization that  
13 is exempt from taxation under section 501(c)(3) of the Internal  
14 Revenue Code.

15 6. "*Operator*" means an applicant approved by the state board  
16 to charter a school under this chapter.

17 Sec. 154. Section 256F.2, subsection 7, Code 2011, is  
18 amended by striking the subsection.

19 Sec. 155. Section 256F.3, Code 2011, is amended by striking  
20 the section and inserting in lieu thereof the following:

21 **256F.3 Duties of the department.**

22 The department shall do the following:

23 1. Develop and implement an orientation program for  
24 operators. An operator shall successfully complete the  
25 orientation program prior to chartering a school pursuant to  
26 this chapter. The program shall include but not be limited  
27 to accountability requirements, reporting requirements, and  
28 financial management. If the operator does not successfully  
29 complete the orientation program in the time specified by the  
30 department, the state board shall reevaluate the operator's  
31 application and may deny the application. If the state board  
32 denies an application under this subsection, the decision of  
33 the state board is final agency action under chapter 17A.

34 2. Develop and implement or approve orientation programs  
35 for members of the boards of directors of charter schools,



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1 including but not limited to orientation on the charter school  
2 board's role and responsibilities, employment policies and  
3 practices, and financial management.

4 3. Monitor and evaluate the fiscal, operational, and  
5 student performance of the charter school annually and provide  
6 a written annual performance evaluation to the charter school  
7 board and the state board. The department may for this  
8 purpose annually collect from a charter school a reasonable  
9 fee established by rule by the state board based on the number  
10 of students who are enrolled in the charter school. The fee  
11 structure shall be stated in the charter school contract.

12 4. Provide, every fifth year in which a charter school is  
13 in operation and before the state board considers renewing  
14 a charter school's contract, a formal written review of the  
15 annual evaluations conducted pursuant to subsection 3.

16 Sec. 156. Section 256F.4, subsections 1, 5, and 7, Code  
17 2011, are amended by striking the subsections.

18 Sec. 157. Section 256F.4, subsections 2, 6, and 8, Code  
19 2011, are amended to read as follows:

20 2. Although a charter school ~~or innovation zone school~~  
21 may elect to comply with one or more provisions of statute or  
22 administrative rule, a charter school ~~or innovation zone school~~  
23 is exempt from all statutes and administrative rules applicable  
24 to a school, a school board, or a school district, except that  
25 the charter school ~~or innovation zone school~~ shall meet the  
26 requirements of this chapter and shall do all of the following:

27 a. Meet all applicable federal, state, and local health and  
28 safety requirements and laws prohibiting discrimination on the  
29 basis of race, creed, color, sex, sexual orientation, gender  
30 identity, national origin, religion, ancestry, or disability.  
31 A charter school ~~or innovation zone school~~ shall be subject to  
32 any court-ordered desegregation plan in effect for the school  
33 district at the time the charter school ~~or innovation zone~~  
34 ~~school~~ application is approved.

35 b. Operate as a nonsectarian, nonreligious public school.

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- 1     *c.* Be free of tuition and application fees to Iowa resident  
2 students between the ages of five and twenty-one years.
- 3     *d.* Be subject to and comply with chapters 216 and 216A  
4 relating to civil and human rights.
- 5     *e.* ~~Provide~~ Make special education programs and services  
6 available to students requiring special education in accordance  
7 with chapter 256B.
- 8     *f.* Be subject to the same financial audits, audit  
9 procedures, and audit requirements as a school district. The  
10 audit shall be consistent with the requirements of sections  
11 11.6, 11.14, 11.19, 256.9, subsection 20, section 256F.8, and  
12 section 279.29, except to the extent deviations are necessary  
13 because of the program at the charter school. The department,  
14 the auditor of state, or the legislative services agency may  
15 conduct financial, program, or compliance audits.
- 16     *g.* Be ~~subject~~ eligible to and comply with participate in  
17 the student achievement and teacher quality program under  
18 chapter 284 relating to the student achievement and teacher  
19 quality program. A charter school ~~or innovation zone school~~  
20 ~~that complies with chapter 284~~ shall ~~receive state moneys or~~  
21 be eligible to receive state moneys calculated as provided in  
22 section 257.10, subsections 9 and 10, and section 257.37A ~~as if~~  
23 ~~it did not operate under a charter school or innovation zone~~  
24 ~~school contract.~~
- 25     *h.* Be subject to and comply with ~~chapters~~ chapter 20 and  
26 ~~279~~ relating to contracts with and discharge of teachers and  
27 administrators.
- 28     *i.* Be subject to and comply with the provisions of chapter  
29 285 relating to the transportation of students, except that the  
30 provisions of section 285.1, subsections 14, 15, 16, and 17,  
31 shall not apply.
- 32     ~~*j.* Meetings and records of the advisory council are subject~~  
33 ~~to the provisions of chapters 21 and 22.~~
- 34     ~~*j.* Comply with sections 279.9, 280.17A, 280.17B, 280.21B,~~  
35 ~~280.24, and 280.28, and may suspend or expel a student only~~



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1 as provided in section 282.4. A decision made as provided in  
2 section 282.4 is subject to appeal under section 290.1.  
3 k. Comply with all statutes and administrative rules  
4 relating to student records, including but not limited to  
5 section 22.7, subsection 1, and sections 256H.1, 280.19A,  
6 280.25, and 280.29, and shall submit data to the department  
7 for purposes of the department's comprehensive management  
8 information system.  
9 l. Comply with the requirements of chapter 283A.  
10 m. Comply with any statewide accountability requirements in  
11 statute or administrative rule governing high school graduation  
12 requirements, the core curriculum, core content standards,  
13 and assessments. The charter school shall issue high school  
14 diplomas to students who successfully meet the graduation  
15 requirements of the charter school.  
16 6. Notwithstanding subsection 2, a charter school ~~or~~  
17 ~~innovation zone school~~ shall meet the requirements of section  
18 256.7, subsection 21.  
19 8. A charter school ~~or innovation zone consortium may~~ shall  
20 enter into contracts in accordance with chapter 26.  
21 Sec. 158. Section 256F.4, Code 2011, is amended by adding  
22 the following new subsection:  
23 NEW SUBSECTION. 2A. A charter school shall not be used as  
24 a method of providing education to or generating revenue for  
25 students who are receiving competent private instruction in  
26 accordance with chapter 299A.  
27 Sec. 159. Section 256F.4, subsections 3 and 4, Code 2011,  
28 are amended by striking the subsections and inserting in lieu  
29 thereof the following:  
30 3. The primary focus of a charter school shall be to provide  
31 a comprehensive program of instruction for at least one grade  
32 or age group from five through twenty-one years of age.  
33 4. A charter school is a municipality for the purposes of  
34 tort liability under chapter 670.  
35 Sec. 160. Section 256F.5, Code Supplement 2011, is amended

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1 by striking the section and inserting in lieu thereof the  
2 following:

3     **256F.5 Application.**

4     1. An application to operate a charter school pursuant to  
5 this chapter shall include but not be limited to the following:

6     *a.* A business plan that documents the proposed charter  
7 school's mission statement; school purposes; program design;  
8 description of a graduation plan, where applicable; financial  
9 plan; governance and management structure; and background  
10 and experience of the applicants and the initial board and  
11 instructional staff, plus any other information the state board  
12 requests. An applicant shall file a separate application for  
13 each school the applicant intends to charter.

14     *b.* A statement of assurances of legal compliance prescribed  
15 by the state board.

16     *c.* The applicant's ability to implement the procedures  
17 and satisfy the criteria for chartering a school under this  
18 chapter.

19     *d.* The measures that will be implemented to provide for  
20 oversight of the charter school's academic, financial, and  
21 operational performance, and to ensure compliance with the  
22 terms of any written contract entered into by the charter  
23 school board of directors and the state board.

24     *e.* A statement of support or nonsupport from the board of  
25 directors of the school district, in which the charter school  
26 would be located. The statement shall be submitted to the  
27 applicant in a timely manner by the school district board.

28     *f.* A statement demonstrating community support and student  
29 need.

30     *g.* A statement of admission policies and procedures.

31     *h.* The types and amounts of insurance liability coverage to  
32 be obtained by the charter school.

33     *i.* How special instruction, programs, and services for  
34 children requiring special education and English language  
35 learners under chapter 256B and section 280.4 will be made





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1 available and a description of the financial parameters within  
2 which the special instruction, programs, and services will be  
3 made available.

4     2. If the applicant includes a school district pursuant  
5 to section 256F.2, subsection 1, paragraph "a", "b", "d", "f",  
6 "h", "i", or "j", that will, under the plan submitted, convert  
7 an existing attendance center operated by the school district  
8 into a charter school in accordance with this chapter, the  
9 application shall demonstrate the support of at least fifty  
10 percent of the teachers employed at the school on the date  
11 of the submission of the application and fifty percent of  
12 the parents or guardians voting whose children are enrolled  
13 at the school, provided that a majority of the parents or  
14 guardians eligible to vote participate in the ballot process,  
15 according to procedures established by rules of the state  
16 board. Conversion of an existing school to a charter school if  
17 approved pursuant to this chapter shall occur at the beginning  
18 of an academic year.

19     3. a. The state board shall approve or disapprove an  
20 application within ninety business days of receipt of the  
21 application.

22     b. If the state board disapproves the application, the state  
23 board shall notify the applicant of the specific deficiencies  
24 in writing and the applicant shall have twenty business days to  
25 address the deficiencies to the state board's satisfaction.

26     (1) If the applicant addresses the deficiencies within the  
27 time specified, the state board shall at its next regularly  
28 scheduled meeting make a final decision to approve or  
29 disapprove the application.

30     (2) If the applicant fails to address the deficiencies in  
31 the time specified, the state board shall notify the applicant  
32 that the application is denied and the decision of the state  
33 board is final agency action under chapter 17A.

34     c. An applicant whose application is denied pursuant to the  
35 process specified in this subsection shall not submit another



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1 application until the expiration of at least one calendar year  
2 after notification of the denial of application.

3 4. The state board shall establish criteria for application  
4 approval that at a minimum consider the following:

5 a. A comprehensive review of the application.

6 b. The available capacity and infrastructure identified in  
7 the plan.

8 c. Contracting process specified in the plan.

9 d. Ongoing oversight and evaluation processes relating to  
10 administration and staffing.

11 e. Charter school contract and contract renewal criteria and  
12 processes.

13 5. Approval of an application and renewal of a charter by  
14 the state board shall not be conditioned upon the bargaining  
15 unit status of the employees of the school.

16 Sec. 161. Section 256F.6, Code 2011, is amended by striking  
17 the section and inserting in lieu thereof the following:

18 **256F.6 Formation of school — board.**

19 1. An operator who successfully completes the orientation  
20 program required pursuant to section 256F.3, subsection  
21 1, before entering into a contract or other agreement for  
22 professional or other services, goods, or facilities, shall  
23 incorporate as a nonprofit corporation under chapter 504 and  
24 shall establish an initial board of directors composed of at  
25 least five voting members, who are not related parties, until a  
26 timely election for members of the ongoing charter school board  
27 of directors is held according to the school's articles and  
28 bylaws.

29 2. Members of the charter school board of directors  
30 established under the school's articles and bylaws shall  
31 be elected before the school completes its third year of  
32 operation. The articles and bylaws shall require that the  
33 board be composed of not less than five voting members. The  
34 articles and bylaws shall include clear policies regarding  
35 conflicts of interest, standards of responsibility, and



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1 obedience to law, fairness, and honesty.

2 3. Staff members employed at the school and all parents  
3 or guardians of children enrolled in the school are the  
4 voters eligible to elect the members of the school's board of  
5 directors.

6 4. A charter school shall notify eligible voters of the  
7 school board election dates at least thirty days before the  
8 election. Board elections shall be held during the school year  
9 but may not be conducted on days when the school is closed for  
10 holidays or vacations.

11 5. a. Any charter school board of directors shall be  
12 composed of the following:

13 (1) Notwithstanding section 279.7A, at least one licensed  
14 teacher employed at the school.

15 (2) At least one parent or legal guardian of a student  
16 enrolled in the charter school who is not an employee of the  
17 charter school.

18 (3) At least one interested community member who is not  
19 employed by the charter school and does not have a child  
20 enrolled in the school.

21 b. The majority of members on the board may be teachers,  
22 notwithstanding section 279.7A.

23 c. The chief financial officer and the chief administrator  
24 of the charter school, if elected, shall only serve as ex  
25 officio, nonvoting board members.

26 d. Charter school employees shall not serve on the board  
27 except as provided in this subsection.

28 e. Except as provided in section 279.7A, contractors  
29 providing facilities, goods, or services to a charter school  
30 shall not serve on the board.

31 f. Board articles and bylaws shall outline the process  
32 and procedures for changing the board's governance model,  
33 consistent with chapter 504.

34 6. A charter school board may change the governance model  
35 set forth in the application or in the articles and bylaws



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1 of the charter school only if the change conforms with this  
2 section and a majority of the board approves the change; the  
3 licensed teachers employed by the school approve the change;  
4 and the state board approves the change.

5 7. a. The state board may permit a charter school board  
6 to expand the operation of the charter school to additional  
7 sites or to add grades at the school beyond those described  
8 in the operator's approved application only after submitting  
9 a supplemental affidavit for approval to the state board  
10 in a form and manner prescribed by the state board. The  
11 supplemental affidavit shall include the following:

12 (1) A proposed expansion plan that demonstrates need and  
13 projected enrollment.

14 (2) Documentation that the expansion is warranted, at a  
15 minimum, by longitudinal data demonstrating students' improved  
16 academic performance and growth on student assessments.

17 (3) Documentation that the charter school is financially  
18 sound and the financing the charter school needs to implement  
19 the proposed expansion exists.

20 (4) Documentation that the charter school has the  
21 governance structure and management capacity to carry out the  
22 expansion.

23 b. The state board shall have sixty business days to review  
24 and comment on the supplemental affidavit. The state board  
25 shall notify the charter school board of any deficiencies in  
26 the supplemental affidavit and the charter school board shall  
27 have twenty business days to address, to the state board's  
28 satisfaction, any deficiencies in the supplemental affidavit.  
29 The school shall not expand to additional sites or add grades  
30 until the state board approves the supplemental affidavit.  
31 The state board's approval or disapproval of a supplemental  
32 affidavit is final agency action.

33 8. The charter school board of directors is a government or  
34 governmental body for purposes of chapters 21 and 22.

35 9. Except as provided in subsection 5, members of the board



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1 are subject to section 279.7A.

2 Sec. 162. Section 256F.8, Code 2011, is amended by striking  
3 the section and inserting in lieu thereof the following:

4 **256F.8 Audit report.**

5 1. The charter school shall annually submit an audit report  
6 to the state board by December 31.

7 2. The charter school, with the assistance of the auditor  
8 conducting the audit, shall include with the report a copy  
9 of all charter school agreements for corporate management  
10 services. If the entity that provides the professional  
11 services to the charter school is exempt from taxation under  
12 section 501 of the Internal Revenue Code of 1986, that entity  
13 must file with the state board by February 15 a copy of the  
14 annual return required under section 6033 of the Internal  
15 Revenue Code of 1986.

16 3. If the audit report finds that a material weakness  
17 exists in the financial reporting systems of a charter school,  
18 the charter school shall submit a written report to the state  
19 board at its first annual meeting explaining how the material  
20 weakness will be resolved. An auditor conducting the audit  
21 of the charter school, as a condition of providing financial  
22 services to a charter school, shall agree to make available  
23 information about a charter school's financial audit to the  
24 state board upon request.

25 Sec. 163. Section 256F.9, Code 2011, is amended by striking  
26 the section and inserting in lieu thereof the following:

27 **256F.9 Admission requirements.**

28 1. A charter school may limit admission to the following:

29 a. Students within an age group or grade level.

30 b. Students who are either at risk of dropping out or have  
31 dropped out of school.

32 c. Residents of a specific geographic area in which the  
33 school is located when the majority of students served by the  
34 school are eligible for free and reduced price meals under  
35 the federal National School Lunch Act and the federal Child



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1 Nutrition Act of 1966, 42 U.S.C. § 1751-1785.

2 2. A charter school shall enroll an eligible student who  
3 submits a timely application, unless the number of applications  
4 exceeds the capacity of a program, class, grade level, or  
5 building. In such case, students shall be accepted by lot.  
6 The charter school shall develop and publish a lottery policy  
7 and process for use when accepting students by lot.

8 3. A charter school shall give enrollment preference to  
9 a sibling of an enrolled student and to a foster child of  
10 that student's parents and may give preference for enrolling  
11 children of the school's staff before accepting other students  
12 by lot.

13 4. A charter school shall not limit admission to students  
14 on the basis of intellectual ability, measures of achievement  
15 or aptitude, or athletic ability and shall not establish any  
16 criteria or requirements for admission that are inconsistent  
17 with this section.

18 5. The charter school shall not distribute any services  
19 or goods of value to students, parents, or guardians as an  
20 inducement, term, or condition of enrolling a student in a  
21 charter school.

22 Sec. 164. Section 256F.10, Code 2011, is amended by striking  
23 the section and inserting in lieu thereof the following:

24 **256F.10 Employment and other operating matters.**

25 A charter school shall employ or contract with necessary  
26 teachers and administrators, as defined by chapter 256, who  
27 hold valid licenses and endorsements to perform the particular  
28 service for which they are employed in the school. The school  
29 may employ necessary employees who are not required to hold  
30 teaching licenses to perform duties other than teaching and may  
31 contract for other services.

32 Sec. 165. NEW SECTION. **256F.11 Leased space.**

33 If space to be leased is constructed as a school facility,  
34 a charter school may lease such space from a school district  
35 or other public organization; private, nonprofit nonsectarian

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1 organization; private property owner; or a sectarian  
2 organization.

3 Sec. 166. NEW SECTION. **256F.12 Affiliated nonprofit**  
4 **building corporation.**

5 1. A charter school may organize an affiliated nonprofit  
6 building corporation to renovate or purchase an existing  
7 facility to serve as a school or to construct a new school  
8 facility as provided in subsection 4 or 5.

9 2. An affiliated nonprofit building corporation shall meet  
10 all of the following conditions:

11 a. Be incorporated under chapter 504 and comply with  
12 applicable internal revenue service regulations.

13 b. Submit annually to the state board a list of current  
14 board members and a copy of the corporation's annual audit.

15 3. An affiliated nonprofit building corporation shall not  
16 serve as the leasing agent for property or facilities it does  
17 not own. The state is immune from liability resulting from a  
18 contract between a charter school and an affiliated nonprofit  
19 building corporation.

20 4. A charter school may organize an affiliated nonprofit  
21 building corporation to renovate or purchase an existing  
22 facility to serve as a school if the charter school meets the  
23 following criteria:

24 a. Has been operating for at least five consecutive school  
25 years.

26 b. Has had a net positive unreserved general fund balance as  
27 of June 30 in the preceding five fiscal years.

28 c. Has a long-range strategic and financial plan.

29 d. Completes a feasibility study of available buildings.

30 e. Documents enrollment projections and the need to use  
31 an affiliated nonprofit building corporation to renovate or  
32 purchase an existing facility to serve as a school.

33 5. A charter school may organize an affiliated nonprofit  
34 building corporation to construct a new school facility if the  
35 charter school meets the following conditions:

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- 1     *a.* Lacks facilities available to serve as a school.  
2     *b.* Has been operating for at least eight consecutive school  
3 years.  
4     *c.* Has had a net positive unreserved general fund balance as  
5 of June 30 in the preceding eight fiscal years.  
6     *d.* Completes a feasibility study of facility options.  
7     *e.* Has a long-range strategic and financial plan that  
8 includes enrollment projections and demonstrates the need for  
9 constructing a new school facility.
- 10    Sec. 167. NEW SECTION.   **256F.13 Collective bargaining.**  
11    Employees of the board of directors of a charter school may,  
12 if otherwise eligible, organize under chapter 20 and comply  
13 with its provisions. The board of directors of a charter  
14 school is a public employer, for the purposes of chapter 20,  
15 upon formation of one or more bargaining units at the school.  
16 Bargaining units at the school shall be separate from any other  
17 units within the school district in which the charter school  
18 is located, except that bargaining units may remain part of  
19 the appropriate bargaining unit of the school district within  
20 which the charter school is located if the employees of the  
21 charter school, the board of directors of the charter school,  
22 the exclusive representative of the appropriate bargaining unit  
23 in the school district, and the board of the school district  
24 agree to include the employees in the appropriate bargaining  
25 unit of the school district.
- 26    Sec. 168. NEW SECTION.   **256F.14 Teacher retirement.**  
27    Teachers in a charter school are public school teachers for  
28 the purposes of chapter 97B.
- 29    Sec. 169. NEW SECTION.   **256F.15 Causes for nonrenewal or**  
30 **termination of charter school contract.**  
31    1. The state board may decline to renew a contract entered  
32 into with the board of directors of a charter school at the end  
33 of the contract term for any ground listed in subsection 3.  
34 The state board may unilaterally terminate a contract during  
35 the term of the contract for any ground listed in subsection 3.





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1     2. At least sixty business days before not renewing or  
2 terminating a contract, the state board shall notify the board  
3 of directors of the charter school of the proposed action in  
4 writing. The notice shall state the grounds for the proposed  
5 action in reasonable detail and that the charter school's  
6 board of directors may request in writing a hearing before the  
7 state board within fifteen business days of receiving notice  
8 of nonrenewal or termination of the contract. Failure by the  
9 board of directors to make a written request for a hearing  
10 within the time specified shall be treated as acquiescence to  
11 the proposed action. Upon receiving a timely written request  
12 for a hearing, the state board shall give ten business days'  
13 notice to the charter school's board of directors of the  
14 hearing date. The state board shall conduct the hearing before  
15 taking final action. The state board shall take final action  
16 to renew or not renew a contract no later than twenty business  
17 days before the proposed date for terminating the contract or  
18 the end date of the contract.

19     3. A charter school contract entered into with the state  
20 board may be terminated or not renewed by the state board upon  
21 any of the following grounds:

22     a. Failure to meet the requirements for student performance  
23 contained in the contract.

24     b. Failure to meet generally accepted standards of fiscal  
25 management.

26     c. Violations of law.

27     d. Other good cause shown, including but not limited to  
28 the existence of one or more other grounds for revocation as  
29 specified in the contract.

30     4. If a contract is terminated or not renewed on grounds  
31 specified in subsection 3, the school shall be dissolved  
32 according to rules adopted by the state board, and the assets  
33 of the charter school shall be disposed of according to the  
34 applicable provisions of chapter 504.

35     5. The state board, after providing reasonable notice to the

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1 board of directors of a charter school, and after providing an  
2 opportunity for a public hearing, may terminate the existing  
3 contract with the charter school board if the charter school  
4 has a history of the following:

5     *a.* Failure to meet student performance requirements  
6 consistent with state law.

7     *b.* Financial mismanagement or gross failure to meet  
8 generally accepted standards of fiscal management.

9     *c.* Violations of the law.

10     Sec. 170. NEW SECTION. **256F.16 Student enrollment upon**  
11 **nonrenewal or termination of charter school contract.**

12     If a contract is not renewed or is terminated according to  
13 section 256F.15, a student who attended the charter school  
14 may enroll in the district of residence or may submit an  
15 application to a nonresident district according to section  
16 282.18 at any time, and shall be determined to have shown "*good*  
17 *cause*" for purposes of section 282.18. Applications and notices  
18 required by section 282.18 shall be processed and provided  
19 in a prompt manner. The application and notice deadlines in  
20 section 282.18 do not apply under these circumstances. The  
21 charter school shall transfer the student's educational records  
22 within ten business days of the charter school's closure to the  
23 student's school district of enrollment.

24     Sec. 171. NEW SECTION. **256F.17 Extent of specific legal**  
25 **authority.**

26     1. A charter school board may sue and be sued.

27     2. A charter school board shall not levy taxes or issue  
28 bonds.

29     3. A charter school is a municipality for purposes of  
30 chapter 670.

31     Sec. 172. NEW SECTION. **256F.18 Funding.**

32     A student enrolled in a charter school shall be counted,  
33 for state school foundation aid purposes, in the student's  
34 district of residence. A student's residence, for purposes  
35 of this section, means a residence under section 282.1. The

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1 board of directors of the district of residence shall pay to  
2 the charter school the district cost per pupil, the teacher  
3 salary supplement district cost per pupil, the professional  
4 development supplement district cost per pupil, and the early  
5 intervention supplement district cost per pupil under section  
6 257.10, plus any moneys received for the student as a result  
7 of the non-English speaking weighting under section 280.4,  
8 subsection 3, for the previous school year multiplied by the  
9 district cost per pupil for the previous year. In addition,  
10 the board of directors of the district of residence shall pay  
11 to the charter school any other per pupil moneys requested  
12 under the charter school application approved by the state  
13 board.

14 Sec. 173. NEW SECTION. 256F.19 Prior charter schools and  
15 innovation zones.

16 1. A charter school or innovation zone school established  
17 prior to July 1, 2012, shall continue to be governed by chapter  
18 256F, Code 2011 and Code Supplement 2011, until the term of the  
19 contract entered into pursuant to section 256F.8, Code 2011,  
20 ends.

21 2. This section is repealed July 1, 2018.

22 Sec. 174. Section 282.18, subsection 4, paragraph b, Code  
23 2011, is amended to read as follows:

24 b. For purposes of this section, "good cause" means a change  
25 in a child's residence due to a change in family residence, a  
26 change in the state in which the family residence is located,  
27 a change in a child's parents' marital status, a guardianship  
28 or custody proceeding, placement in foster care, adoption,  
29 participation in a foreign exchange program, or participation  
30 in a substance abuse or mental health treatment program, a  
31 change in the status of a child's resident district such as  
32 removal of accreditation by the state board, surrender of  
33 accreditation, or permanent closure of a nonpublic school,  
34 ~~revocation nonrenewal or termination~~ of a charter school  
35 contract as provided in section ~~256F.8~~ 256F.15, the failure

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1 of negotiations for a whole grade sharing, reorganization,  
2 dissolution agreement or the rejection of a current whole grade  
3 sharing agreement, or reorganization plan. If the good cause  
4 relates to a change in status of a child's school district of  
5 residence, however, action by a parent or guardian must be  
6 taken to file the notification within forty-five days of the  
7 last board action or within thirty days of the certification of  
8 the election, whichever is applicable to the circumstances.

9 Sec. 175. Section 670.1, subsection 2, Code 2011, is amended  
10 to read as follows:

11 2. "*Municipality*" means city, county, township, school  
12 district, charter school, and any other unit of local  
13 government except soil and water conservation districts as  
14 defined in section 161A.3, subsection 6.

15 Sec. 176. REPEAL. Section 256F.7, Code 2011, is repealed.

16 DIVISION XVI

17 THIRD GRADE LITERACY

18 Sec. 177. Section 256.7, Code Supplement 2011, is amended by  
19 adding the following new subsection:

20 NEW SUBSECTION. 31. By July 1, 2013, adopt by rule  
21 guidelines for school district implementation of section  
22 279.68, including but not limited to basic levels of reading  
23 proficiency on approved assessments and identification of tools  
24 that school districts may use in evaluating and reevaluating  
25 any student who may be or who is determined to be deficient in  
26 reading, including but not limited to initial assessments and  
27 subsequent assessments, alternative assessments, and portfolio  
28 reviews. The state board shall adopt standards that provide  
29 a reasonable expectation that a student's progress toward  
30 reading proficiency under section 279.68 is sufficient to  
31 master appropriate grade four level reading skills prior to the  
32 student's promotion to grade four.

33 Sec. 178. Section 256.9, subsection 53, paragraph a, Code  
34 Supplement 2011, is amended to read as follows:

35 a. Develop and distribute, or approve, in collaboration

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1 with the area education agencies, core curriculum technical  
2 assistance and implementation strategies that school districts  
3 and accredited nonpublic schools shall utilize, including but  
4 not limited to the development and delivery of formative and  
5 end-of-course model assessments classroom teachers may use  
6 to measure student progress on the core curriculum adopted  
7 pursuant to section 256.7, subsection 26. The department  
8 shall, in collaboration with the advisory group convened in  
9 accordance with paragraph "b" and educational assessment  
10 providers, identify and make available to school districts  
11 end-of-course and additional model end-of-course and additional  
12 assessments to align with the expectations included in the Iowa  
13 core curriculum. The model assessments shall be suitable to  
14 meet the multiple assessment measures requirement specified in  
15 section 256.7, subsection 21, paragraph "c".

16 Sec. 179. Section 256.9, subsection 53, Code Supplement  
17 2011, is amended by adding the following new paragraphs:

18 NEW PARAGRAPH. c. Identify the scoring levels on approved  
19 grade three reading assessments that require the retention of a  
20 student pursuant to section 279.68, and develop or identify and  
21 approve alternative performance measures for students who are  
22 not proficient in reading in accordance with section 279.68,  
23 subsection 2. Alternative performance measures approved  
24 pursuant to this paragraph shall include but not be limited to  
25 a demonstration of reading mastery evidenced by portfolios of  
26 student work.

27 NEW PARAGRAPH. d. Establish, subject to an appropriation  
28 of sufficient funds by the general assembly, an Iowa reading  
29 research center to apply current research on literacy to  
30 provide for the development and dissemination of all of the  
31 following:

- 32 (1) Promising instructional strategies in reading.
- 33 (2) Reading assessments.
- 34 (3) Professional development strategies and materials
- 35 aligned with current and emerging best practices for the

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1 teaching of reading.

2 Sec. 180. Section 256D.2A, Code 2011, is amended to read as  
3 follows:

4 **256D.2A Program funding.**

5 For the budget year beginning July 1, 2009, and each  
6 succeeding budget year, a school district shall expend funds  
7 received pursuant to section 257.10, subsection 11, at the  
8 kindergarten through grade three levels to reduce class sizes  
9 to the state goal of seventeen students for every one teacher  
10 and to achieve a higher level of student success in the  
11 basic skills, especially reading; and to establish a reading  
12 enhancement and acceleration development initiative pursuant  
13 to section 279.68, subsection 3, paragraph "f". In order to  
14 support these efforts, school districts shall expend funds  
15 received pursuant to section 257.10, subsection 11, as provided  
16 in section 279.68, subsection 3, paragraph "f", and may expend  
17 funds received pursuant to section 257.10, subsection 11,  
18 at the kindergarten through grade three level on programs,  
19 instructional support, and materials that include but are not  
20 limited to the following: additional licensed instructional  
21 staff; additional support for students, such as before and  
22 after school programs, tutoring, and intensive summer programs;  
23 the acquisition and administration of diagnostic reading  
24 assessments; the implementation of research-based instructional  
25 intervention programs for students needing additional support;  
26 the implementation of all-day, everyday kindergarten programs;  
27 and the provision of classroom teachers with intensive training  
28 programs to improve reading instruction and professional  
29 development in best practices including but not limited to  
30 training programs related to instruction to increase students'  
31 phonemic awareness, reading abilities, and comprehension  
32 skills.

33 Sec. 181. NEW SECTION. 279.68 Student progression and  
34 retention — remedial instruction — reporting requirements.

35 1. *Reading deficiency and parental notification.*

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1     *a.* A school district shall provide intensive reading  
2 instruction to any student who exhibits a substantial  
3 deficiency in reading, based upon locally determined or  
4 statewide assessments conducted in kindergarten or grade one,  
5 grade two, or grade three, or through teacher observations,  
6 immediately following the identification of the reading  
7 deficiency. The student's reading proficiency shall be  
8 reassessed by locally determined and statewide assessments.  
9 The student shall continue to be provided with intensive  
10 reading instruction until the reading deficiency is remedied.

11     *b.* The parent or guardian of any student in kindergarten  
12 through grade three who exhibits a substantial deficiency in  
13 reading, as described in paragraph "*a*", shall be notified at  
14 least annually in writing of the following:

15         (1) That the child has been identified as having a  
16 substantial deficiency in reading.

17         (2) A description of the services currently provided to the  
18 child.

19         (3) A description of the proposed supplemental  
20 instructional services and supports that the school district  
21 will provide to the child that are designed to remediate the  
22 identified area of reading deficiency.

23         (4) That if the child's reading deficiency is not remediated  
24 by the end of grade three, the child shall be retained unless  
25 the child is exempt from mandatory retention for good cause  
26 pursuant to subsection 2, paragraph "*b*". If the child is  
27 ineligible for a good cause exemption, the notification shall  
28 state why the child is ineligible.

29         (5) Strategies for parents and guardians to use in helping  
30 the child succeed in reading proficiency, including but not  
31 limited to the promotion of parent-guided home reading.

32         (6) That the assessment used pursuant to section 256.9,  
33 subsection 53, is not the sole determiner of promotion and  
34 that additional evaluations, portfolio reviews, performance  
35 measures, and assessments are available to the child to assist



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1 parents and the school district in knowing when a child is  
2 reading at or above grade level and ready for grade promotion.

3 (7) The district's specific criteria and policies for  
4 midyear promotion. For purposes of this section, "*midyear*  
5 *promotion*" means promotion to the next grade level of a retained  
6 student at any time during the year of retention once the  
7 student has demonstrated the ability to read at grade level.

8 c. If the student's reading deficiency, as identified in  
9 paragraph "a", is not remedied by the end of grade three,  
10 as demonstrated by scoring on an assessment approved by the  
11 department pursuant to section 256.9, subsection 53, the  
12 student shall be retained in grade three.

13 2. *Good cause exemption.*

14 a. The school district shall only exempt students from  
15 mandatory retention, as provided in subsection 1, paragraph  
16 "c", for good cause. Good cause exemptions shall be limited to  
17 the following:

18 (1) Limited English proficient students who have had  
19 less than two years of instruction in an English as a second  
20 language program.

21 (2) Students requiring special education whose  
22 individualized education program indicates that participation  
23 in the assessment approved pursuant to section 256.9,  
24 subsection 53, is not appropriate, consistent with the  
25 requirements of rules adopted by the state board of education  
26 for the administration of chapter 256B.

27 (3) Students who demonstrate an acceptable level of  
28 performance on an alternative performance measure approved by  
29 the director of the department of education pursuant to section  
30 256.9, subsection 53.

31 (4) Students who demonstrate mastery through a student  
32 portfolio under alternative performance measures approved  
33 pursuant to section 256.9, subsection 53.

34 (5) Students who have received intensive remediation  
35 in reading for two or more years but still demonstrate a





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1 deficiency in reading and who were previously retained in  
2 kindergarten, grade one, grade two, or grade three. Intensive  
3 reading instruction for students so promoted must include  
4 an altered instructional day that includes specialized  
5 diagnostic information and specific reading strategies for  
6 each student. The school district shall assist attendance  
7 centers and teachers to implement reading strategies that  
8 research has shown to be successful in improving reading among  
9 low-performing readers.

10     *b.* Requests for good cause exemptions from the mandatory  
11 retention requirement for students as described in paragraph  
12 “a”, subparagraphs (3) and (4), shall be made consistent with  
13 the following:

14     (1) Documentation shall be submitted from the student’s  
15 teacher to the school principal that indicates that the  
16 promotion of the student is appropriate and is based upon the  
17 student’s academic record. Such documentation shall include  
18 but not be limited to the individualized education program, if  
19 applicable, report card, or student portfolio.

20     (2) The school principal shall review and discuss the  
21 recommendation submitted pursuant to subparagraph (1) with  
22 the teacher and the school principal shall determine whether  
23 the student should be promoted or retained. If the principal  
24 determines that the student should be retained, the principal  
25 shall notify the student’s teacher and parent or guardian of  
26 the decision in writing and the student shall be ineligible for  
27 the good cause exemption from mandatory retention.

28     (3) If the school principal determines that the  
29 student should be promoted, the school principal shall  
30 make such recommendation in writing to the district school  
31 superintendent. The district school superintendent shall  
32 accept or reject the school principal’s recommendation and  
33 shall notify the school principal and the student’s teacher  
34 and parent or guardian of the school superintendent’s decision  
35 in writing. If the school superintendent determines that the

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1 student should be retained, the student shall be ineligible for  
2 the good cause exemption from mandatory retention. The parent  
3 or guardian of the student may appeal the superintendent's  
4 decision to the board of directors of the school district.  
5 If the superintendent's decision is affirmed by the school  
6 board, the decision is final and is not subject to appeal under  
7 section 290.1.

8     *c.* This section does not preclude the parent or guardian of  
9 a student with a reading deficiency from requesting that the  
10 student be retained at grade level.

11     3. *Successful progression for retained readers.* A school  
12 district shall do all of the following:

13     *a.* Conduct a review, within one week following the last  
14 instructional day of the school calendar, of student progress  
15 for any student retained under subsection 1, paragraph "c", who  
16 did not meet the criteria for one of the good cause exemptions  
17 in subsection 2, paragraph "a". The review shall address  
18 additional supports and services, as described in subparagraph  
19 (2), needed to remediate the identified areas of reading  
20 deficiency. The school district shall require a student  
21 portfolio to be completed for each such student.

22     *b.* Provide students who are retained under subsection  
23 1, paragraph "c", with intensive instructional services  
24 and supports, free of charge, to remediate the identified  
25 areas of reading deficiency, including a minimum of a daily  
26 ninety-minute block of scientific-research-based reading  
27 instruction and other strategies prescribed by the school  
28 district which may include but are not limited to the  
29 following:

- 30         (1) Small group instruction.  
31         (2) Reduced teacher-student ratios.  
32         (3) More frequent progress monitoring.  
33         (4) Tutoring or mentoring.  
34         (5) Transition classes containing students in grades three  
35 and four.



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1 (6) Extended school day, week, or year.

2 (7) Summer reading programs.

3 c. At regular intervals, apprise the parent or guardian of  
4 academic and other progress being made by the student and give  
5 the parent or guardian other useful information.

6 d. Implement a policy for the midyear promotion of any  
7 student retained under subsection 1, paragraph "c", who can  
8 demonstrate that the student is a successful and independent  
9 reader, reading at or above grade level, and ready to be  
10 promoted to grade four. Tools that school districts may use  
11 in reevaluating any student retained may include subsequent  
12 assessments, alternative assessments, and portfolio reviews,  
13 identified by rule pursuant to section 256.7, subsection 31.  
14 Students promoted during the school year after November 1 shall  
15 demonstrate proficiency pursuant to guidelines adopted by rule  
16 pursuant to section 256.7, subsection 31.

17 e. In addition to required reading enhancement and  
18 acceleration strategies, provide parents of students who are  
19 retained under subsection 1, paragraph "c", with a plan outlined  
20 in a parental contract, including participation in regular  
21 parent-guided home reading.

22 f. Establish, using funds received pursuant to section  
23 257.10, subsection 11, a reading enhancement and acceleration  
24 development initiative designed to prevent the retention of  
25 grade three students and to offer intensive accelerated reading  
26 instruction to grade three students who fail to meet standards  
27 for promotion to grade four and to each kindergarten through  
28 grade three student who is assessed as exhibiting a reading  
29 deficiency. The initiative shall comply with all of the  
30 following criteria:

31 (1) Be provided to all kindergarten through grade three  
32 students at risk of retention under this section. The  
33 assessment initiative shall measure phonemic awareness,  
34 phonics, fluency, vocabulary, and comprehension.

35 (2) Be provided during regular school hours in addition to

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1 the regular reading instruction.

2 (3) Provide a reading curriculum that meets guidelines  
3 adopted pursuant to section 256.7, subsection 31, and at a  
4 minimum has the following specifications:

5 (a) Assists students assessed as exhibiting a reading  
6 deficiency in developing the ability to read at grade level.

7 (b) Provides skill development in phonemic awareness,  
8 phonics, fluency, vocabulary, and comprehension.

9 (c) Includes a scientifically based and reliable  
10 assessment.

11 (d) Provides initial and ongoing analysis of each student's  
12 reading progress.

13 (e) Is implemented during regular school hours.

14 (f) Provides a curriculum in core academic subjects to  
15 assist the student in maintaining or meeting proficiency levels  
16 for the appropriate grade in all academic subjects.

17 g. Report to the department of education the specific  
18 intensive reading interventions and supports implemented by the  
19 school district pursuant to this section. The department shall  
20 annually prescribe the components of required or requested  
21 reports, including but not limited to a report on the number of  
22 students retained under this section.

23 h. Provide a student who has been retained in grade three  
24 and who has received intensive instructional services but is  
25 still not ready for grade promotion, as determined by the  
26 school district, the option of being placed in a transitional  
27 instructional setting. Such setting shall specifically be  
28 designed to produce learning gains sufficient to meet grade  
29 four performance standards while continuing to remediate the  
30 areas of reading deficiency.

31 DIVISION XVII

32 STATE MANDATE

33 Sec. 182. STATE MANDATE FUNDING SPECIFIED. In accordance  
34 with section 25B.2, subsection 3, the state cost of requiring  
35 compliance with any state mandate included in this Act shall

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1 be paid by a school district from state school foundation aid  
2 received by the school district under section 257.16. This  
3 specification of the payment of the state cost shall be deemed  
4 to meet all of the state funding-related requirements of  
5 section 25B.2, subsection 3, and no additional state funding  
6 shall be necessary for the full implementation of this Act  
7 by and enforcement of this Act against all affected school  
8 districts.

9 EXPLANATION

10 This bill relates to programs and activities under  
11 the purview of the department of education, the board of  
12 educational examiners, school districts, and accredited  
13 nonpublic schools.

14 DIVISION I — COMPETENCY-BASED INSTRUCTION. 2011 Iowa Acts,  
15 chapter 71 (SF 453), directs the state board of education to  
16 adopt rules requiring public and accredited nonpublic high  
17 schools to consider any student who satisfactorily completes a  
18 high school-level unit to have satisfactorily completed a unit  
19 of the high school graduation requirements for that subject  
20 matter area and to issue high school credit for the unit to  
21 the student. This requirement is limited to the subjects of  
22 English or language arts, mathematics, science, or social  
23 studies. The bill removes that limitation.

24 The bill permits a school district or accredited nonpublic  
25 school to allow high school credit to be awarded to a student  
26 upon the demonstration of required competencies for a course or  
27 content area, as approved by an appropriately licensed teacher.  
28 The bill specifies that the school district or accredited  
29 nonpublic school determines the assessment methods by which  
30 the student demonstrates sufficient evidence of the required  
31 competencies.

32 The bill defines "unit" for the purposes of course  
33 requirements for students in public and nonpublic schools in  
34 grades 9 through 12. To qualify as a unit, a course must be  
35 taught for at least 200 minutes per week for 36 weeks or be



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1 taught for the equivalent of 120 hours of instruction.

2 The bill provides that a student will receive credit or  
3 partial credit upon successful completion of a course which  
4 meets one of the criteria for "unit" as defined in the bill  
5 or related components equivalent to a course which meets one  
6 of the criteria. Partial credit must be calculated in a  
7 manner consistent with the criteria set out in the bill. The  
8 bill further provides that a student may receive credit on a  
9 performance basis through the administration of an assessment,  
10 provided the assessment covers the competencies ordinarily  
11 included in the regular course.

12 DIVISION II — CORE CURRICULUM. The bill establishes  
13 the core curriculum advisory council under the department of  
14 education. Upon request by the director of the department of  
15 education, the council is to make nonbinding recommendations  
16 to the director regarding necessary changes to the core  
17 curriculum. The council is directed to seek to further the  
18 goals of the core curriculum and any objectives established by  
19 the director in making recommendations. The council consists  
20 of no less than seven members appointed by and serving at the  
21 pleasure of the director. The council must be balanced by  
22 gender and political party. The council is to meet at least  
23 quarterly and at the call of the chair of the council. Members  
24 of the council serve without compensation but may be reimbursed  
25 for their actual expenses incurred in the performance of their  
26 duties.

27 The bill adds the subjects of music and other fine arts,  
28 applied arts, foreign languages, physical education, character  
29 education, and entrepreneurship education to the skills and  
30 knowledge the core curriculum for kindergarten through grade 12  
31 must address.

32 The director must create and disseminate to school  
33 districts, charter schools, and accredited nonpublic schools a  
34 model curriculum that is directly tied to the goals, outcomes,  
35 and assessment strategies identified in the core content



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1 standards. The model curriculum shall provide guidance to  
2 school districts and schools and expand on the core content  
3 standards. The model curriculum shall be modified as necessary  
4 to incorporate the core curriculum framework.

5 DIVISION III — PARENT ADVOCACY NETWORK. The bill requires  
6 the director of the department of education to establish a  
7 statewide parent advocacy network to create an integrated,  
8 accessible set of community-wide resources to support learning  
9 and development by July 1, 2013. The bill provides that the  
10 statewide parent advocacy network shall include at least one  
11 parent representative from each school district in the state.  
12 The bill requires the director to coordinate with the board  
13 of directors of each public school district to facilitate the  
14 establishment and maintenance of the statewide parent advocacy  
15 network. The bill directs the board of directors of each  
16 public school district to assist the director in identifying at  
17 least one representative from each school district in the state  
18 to serve on the statewide parent advocacy network.

19 DIVISION IV — TEACHER AND ADMINISTRATOR PERFORMANCE. The  
20 bill directs the state board to adopt new Iowa teaching and  
21 administration standards by January 1, 2013, and to implement  
22 statewide teacher and administrator evaluation system pilot  
23 programs during the 2013-2014 school year; provides for  
24 the appointment of a teacher performance, compensation, and  
25 career development task force to develop recommendations for  
26 a new teacher compensation system; directs the director of  
27 the department of education to develop a statewide teacher  
28 evaluation system and a statewide administrator evaluation  
29 system that school districts, charter schools, and accredited  
30 nonpublic schools shall use to standardize the instruments  
31 and processes used to evaluate teachers and administrators  
32 throughout the state; provides for the creation of a task force  
33 to conduct a study regarding a statewide teacher evaluation  
34 system and a statewide administrator evaluation system; and  
35 requires that public school teachers and administrators be



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1 evaluated annually rather than every three years, and that the  
2 evaluation of a teacher be conducted by at least one person who  
3 holds a valid certification issued for successfully completing  
4 an evaluator training program.

5 The bill sets out the minimum components of the statewide  
6 teacher evaluation system, including direct observation of  
7 classroom teaching behaviors, strong consideration of student  
8 outcome measures, integration of the Iowa teaching standards,  
9 and system applicability to teachers in all content areas  
10 taught by a school. The bill allows school districts to  
11 implement an alternative teacher or administrator evaluation  
12 system if the department approves the alternative system.

13 The director is tasked with appointing members to, and  
14 providing staffing for, the teacher performance, compensation,  
15 and career development task force, including members  
16 representing teachers, parents, school administrators, and  
17 business and community leaders. The task force is directed to  
18 address the duties and responsibilities of apprentice, career,  
19 mentor, and master teachers; utilizing retired teachers as  
20 mentors; uses and realignment of finite resources; mechanisms  
21 to substantially increase the average salary of teachers who  
22 assume leadership roles; and standardizing implementation of  
23 task force recommendations in all of Iowa's school districts  
24 and public charter schools. The task force must submit its  
25 findings and recommendations in a report to the state board of  
26 education, the governor, and the general assembly by October  
27 15, 2012.

28 The statewide educator evaluation system task force  
29 must submit its findings, recommendations, and a proposal  
30 for a statewide teacher evaluation system and a statewide  
31 administrator evaluation system to the state board of  
32 education by October 15, 2012. The task force must include  
33 a tiered evaluation system differentiating levels of teacher  
34 effectiveness in its recommendations and proposal.

35 The provisions providing for appointment of the task forces

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1 take effect upon enactment.

2 The bill repeals the current Iowa teaching standards on  
3 July 1, 2013. The bill also repeals a Code provision that  
4 established a career ladder pilot program to be administered  
5 by the department of education from 2007 through 2009. The  
6 final report on the pilot program was submitted to the general  
7 assembly in March 2010.

8 The bill makes a technical correction to a reference  
9 relating to transfer of the duties of certain licensing  
10 responsibilities to the state board of education and department  
11 of education under division X of this bill.

12 DIVISION V — INNOVATION ACCELERATION PROGRAM — FUND. The  
13 bill establishes an innovation acceleration program in the  
14 department of education and creates an innovation acceleration  
15 fund in the state treasury under the control of the department.

16 The purpose of the innovation acceleration program is to  
17 provide competitive grants to applicants with a record of  
18 improving student achievement and educational attainment in  
19 order to expand the implementation of, and investment in,  
20 innovative practices that are demonstrated to have an impact  
21 on improving student achievement or student growth, closing  
22 achievement gaps, decreasing dropout rates, increasing parental  
23 involvement, increasing attendance rates, increasing high  
24 school graduation rates, or increasing college enrollment and  
25 completion rates.

26 The program shall be designed to enable grantees to expand  
27 and develop innovative practices that can serve as models of  
28 best practices, work in partnership with the private sector and  
29 the philanthropic community, and identify and document best  
30 practices that can be shared and expanded based on demonstrated  
31 success.

32 The innovation acceleration fund shall be administered  
33 by the director of education and shall consist of moneys  
34 appropriated by the general assembly and any other moneys  
35 available to and obtained or accepted by the department for the



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1 program.

2 DIVISION VI — ONLINE LEARNING. The bill relates to the  
3 development, establishment, and approval of high-quality online  
4 learning programs delivered online by school districts, charter  
5 schools, and accredited nonpublic schools.

6 The bill eliminates a provision that requires the state  
7 board of education to adopt rules prohibiting the use of  
8 telecommunications by school districts as the exclusive  
9 means to provide any course which is required by the minimum  
10 educational standards for accreditation, and replaces it with a  
11 provision directing the state board to adopt rules providing  
12 for the establishment of an online learning program model.  
13 The director of the department is tasked with developing and  
14 establishing the model.

15 The director is authorized to waive certain standards for  
16 school districts, charter schools, and accredited nonpublic  
17 schools that implement an online learning program aligned  
18 with the program model. The standards that may be waived  
19 include the 180-day school calendar requirement; the minimum  
20 number of instructional hours required for a school day; any  
21 statutory requirement that students be physically present in  
22 a school building and under the guidance and instruction of  
23 the instructional professional staff employed by the school  
24 district or the school except as established by rule for the  
25 online learning program model; and any statutory requirement  
26 that a subject being studied by a student enrolled in an  
27 approved online learning program be a subject that is offered  
28 and taught by the professional staff of the school district or  
29 school.

30 The director shall require that a school district or school  
31 granted a waiver must implement and incorporate into its  
32 comprehensive school improvement plan accountability measures  
33 designed to demonstrate that academic credit is awarded  
34 based upon successful completion of content or achievement  
35 of competencies by students enrolled in the approved online



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1 learning program.

2 The director must also establish criteria for school  
3 districts or schools to use when choosing providers of online  
4 learning to meet the online learning program requirements  
5 specified in rule by the state board.

6 The online learning program model established by the  
7 director must provide for online access to high-quality  
8 content, instructional materials, and blended learning;  
9 education customized to the needs of the student using online  
10 content; a means for a student to demonstrate competency in  
11 completed coursework; high-quality online instruction taught by  
12 appropriately licensed teachers; online content and instruction  
13 evaluated on student learning outcomes; use of funds available  
14 for program implementation and innovation; infrastructure that  
15 supports online learning; and online administration of online  
16 course assessments.

17 At the discretion of the school board or authorities in  
18 charge of a school, after consideration for circumstances  
19 created by necessity, convenience, and cost-effectiveness,  
20 courses developed by private providers may be utilized by the  
21 school district or school in implementing an online learning  
22 curriculum. Courses obtained from private providers shall be  
23 taught by licensed Iowa teachers.

24 Grades in online courses shall be based, at a minimum,  
25 on whether a student mastered the subject, demonstrated  
26 competency, and met the standards established by the school  
27 district.

28 All online courses and programs shall meet existing  
29 accreditation standards.

30 The bill includes conforming amendments.

31 DIVISION VII — EDUCATIONAL STANDARDS EXEMPTIONS. The bill  
32 permits the director of the department of education to grant  
33 school districts exemptions from one or more of the educational  
34 standards for all grades, from prekindergarten through grade  
35 12, if the school district meets certain requirements specified

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1 for charter schools, including provisions that require a  
2 charter school to meet all applicable federal, state, and  
3 local health and safety requirements and laws prohibiting  
4 discrimination; operate as a nonsectarian, nonreligious  
5 public school; be free of tuition and application fees to Iowa  
6 resident students between the ages of 5-21 years; be subject  
7 to and comply with Code chapters 216 and 216A relating to  
8 civil and human rights; provide special education services; be  
9 subject to the same financial audits, audit procedures, and  
10 audit requirements as a school district; be subject to and  
11 comply with provisions relating to the student achievement  
12 and teacher quality program; be subject to and comply with  
13 state law relating to contracts with and discharge of teachers  
14 and administrators; be subject to and comply with state  
15 law relating to the transportation of students; comply with  
16 state and federal law relating to the suspension or expulsion  
17 of a student; comply with all statutes and administrative  
18 rules relating to student records; submit data to the  
19 department for purposes of the department's comprehensive  
20 management information system; comply with administrative  
21 rules relating to courses or programs offered online or use  
22 of telecommunications as an instructional tool; and comply  
23 with any statewide accountability requirements in statute  
24 or administrative rule governing high school graduation  
25 requirements, the core curriculum, core content standards, and  
26 assessments.

27 Currently, the director may grant school districts and  
28 accredited nonpublic schools an exemption from one or more of  
29 the educational standards for grades 9 through 12, including  
30 but not limited to unit requirements for science, social  
31 studies, English-language arts, mathematics, foreign language,  
32 vocational service, and health and physical education.

33 The bill requires the director to submit a report by February  
34 1, annually, to the state board, the governor, and the general  
35 assembly that lists all of the exemptions granted to school



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1 districts and accredited nonpublic schools and the reasons for  
2 which each exemption was granted.

3 The bill makes a reference to charter school requirements  
4 included in division XV of the bill.

5 DIVISION VIII — EDUCATOR IDENTIFIER SYSTEM AND EDUCATION  
6 PLACEMENT CLEARINGHOUSE. The bill establishes an educator  
7 identifier system and an education placement clearinghouse  
8 within the department of education, subject to an appropriation  
9 of sufficient funds by the general assembly.

10 The bill defines "educator" to mean a teacher or principal.

11 The educator identifier system shall be designed for  
12 the purpose of providing information for studying teacher  
13 shortage areas and identifying any possible solutions; studying  
14 practitioner preparation programs, educator professional  
15 development programs, and educator mobility and retention  
16 issues; improving teaching and student learning, including the  
17 use of data to recognize, reward, and develop the careers of  
18 individual educators; collecting data for use in developing a  
19 longitudinal data system that may be used with the educator  
20 identifier system to match educators to students; allowing  
21 the state to gather baseline data about the distribution of  
22 highly qualified teachers, including the number and percent of  
23 teachers in the highest-poverty and lowest-poverty schools in  
24 the state, and to take actions to address any inequities in the  
25 distribution of highly qualified teachers throughout the state;  
26 and enabling teachers to enhance student instruction through  
27 the use of performance and longitudinal growth data.

28 Under the educator identifier system, a person who applies  
29 for or who holds an Iowa teacher or administrator license is  
30 assigned a unique identifier.

31 The unique identifier shall not use any personal identifying  
32 information, such as social security numbers or contact  
33 information, except for alignment purposes in data processing.

34 The bill does not restrict the authority of a school  
35 district, AEA, or charter school to assign individual educators

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1 to specific grades, levels, programs, or schools; direct  
2 the professional development of individual educators; or  
3 collaboratively design and develop, with representation from  
4 the teachers and principals employed by the school district,  
5 AEA, charter school, alternative compensation plans through  
6 the procedures adopted by the school district, AEA, or charter  
7 school for setting educator compensation.

8 The director, after consultation with practitioner  
9 preparation programs, shall establish protocols for releasing  
10 system data to graduates' respective practitioner preparation  
11 programs for the purpose of program evaluation. The department  
12 may use system data to identify practices that show promise of  
13 improving student outcomes or educator performance.

14 The system shall comply with all state and federal privacy  
15 laws. Aggregate, nonidentifying information obtained from the  
16 system shall be made available at multiple levels, including  
17 state, school district, AEA, charter school, practitioner  
18 preparation program, nongovernmental entity, and individual  
19 levels, through varying degrees of access, as designated by the  
20 director.

21 The education placement clearinghouse shall be designed  
22 and implemented for the posting of all education job openings  
23 offered by the school districts, AEAs, charter schools, and  
24 accredited nonpublic schools in the state. Every school  
25 district, AEA, charter school, and accredited nonpublic school  
26 shall submit its job openings to the department for posting  
27 on the department's internet site. Every educator shall  
28 apply once to the department, indicating the educator's job  
29 interests. The director shall provide each educator with an  
30 option to update submitted information. The director shall  
31 develop and implement a screening process that uses but is not  
32 limited to the data collected from the educator identifier  
33 system to identify high-quality educators.

34 Only applicants who apply and meet clearinghouse application  
35 requirements are eligible to be interviewed for jobs posted



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1 on the department's internet site. A school district, AEA,  
2 charter school, or accredited nonpublic school can request  
3 more information from the applicant that was not collected and  
4 is not maintained by the clearinghouse, but cannot request  
5 information that duplicates that which is in the clearinghouse.  
6 The bill states that the bill language shall not be construed  
7 to discourage school districts, AEAs, charter schools, and  
8 accredited nonpublic schools from advertising or otherwise  
9 making known the positions available through the clearinghouse.

10 The bill includes references relating to the transfer of  
11 licensing duties to the state board of education and the  
12 department of education under division X of the bill.

13 DIVISION IX — CLASS SHARING AGREEMENTS. The bill  
14 expands eligibility for the supplementary weighting plan for  
15 district-to-community college sharing and concurrent enrollment  
16 programs to allow a school district that collaborates with  
17 a community college for a college-level class that uses an  
18 activities-based, project-based, and problem-based learning  
19 approach and that is offered through a partnership with a  
20 nationally recognized provider of rigorous and innovative  
21 science, technology, engineering, and mathematics curriculum  
22 for schools, which provider is exempt from taxation under  
23 section 501(c)(3) of the Internal Revenue Code, to qualify  
24 to receive additional weighting for students enrolled in the  
25 class.

26 DIVISION X — TRANSFER OF LICENSING DUTIES. The bill repeals  
27 Code chapter 272, which establishes the board of educational  
28 examiners, and moves the majority of the responsibilities of  
29 the board and its executive director to the state board of  
30 education and the director of the department of education.  
31 The department is charged with carrying out programs and  
32 policies as determined by the state board, and the duties  
33 and responsibilities of the department as set forth by the  
34 director. The board of educational examiners is created to  
35 hear appeals regarding application, renewal, suspension,



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1 or revocation of a license, certificate, authorization, or  
2 statement of recognition.

3 The bill provides for the authorization of individuals  
4 to act as school administration managers who successfully  
5 complete training and meet board standards in order to assist  
6 school principals in performing noninstructional duties. The  
7 bill requires the department to establish voluntary statewide  
8 training programs for such individuals.

9 The bill requires the state board to provide alternative  
10 pathways to the initial teacher license and initial  
11 administrator license and endorsement by rule. The rules  
12 shall prescribe standards and procedures for the approval  
13 of alternative principal licensing programs which may be  
14 offered in this state by designated agencies located within or  
15 outside this state. The bill also establishes requirements  
16 for applicants to the programs, and requires that persons  
17 who utilize the alternative pathways to licensure must be  
18 supervised and mentored by experienced practitioners.

19 The bill also requires the state board to adopt rules  
20 requiring all higher education institutions providing  
21 practitioner preparation to require any candidate for  
22 admission to the program to have graduated with a cumulative  
23 postsecondary grade point average of at least three on a  
24 four-point scale, or its equivalent; and to base successful  
25 completion of the program on successful completion of Praxis  
26 II examinations. The bill also increases the required number  
27 of weeks for the student teaching experience from 12 to 15,  
28 and reduces the duration of time during which a practitioner  
29 preparation program faculty member must be involved in a  
30 specified number of hours of team teaching activities from five  
31 years to two years.

32 The bill includes transitional provisions relating to the  
33 transfer of employees from the board to the department, to  
34 license and contract validity, transfer of funds, enforcement  
35 actions, and membership on the initial board of educational





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1 examiners created within the department.

2 The bill includes a number of conforming amendments.

3 DIVISION XI — SCHOOL INSTRUCTIONAL TIME TASK FORCE. The  
4 bill charges the director of the department of education with  
5 appointing a school instructional time task force to conduct a  
6 study regarding the minimum requirements of the school day and  
7 the school year.

8 The school instructional time task force shall be comprised  
9 of at least seven members who shall, at a minimum, examine  
10 whether the minimum length of an instructional day should  
11 be extended and if so for whom, whether the minimum number  
12 of instructional days or hours in a school year should be  
13 increased and if so for whom, whether the minimum number of  
14 instructional days or hours should be rearranged for purposes  
15 of summer or other breaks in the school year, whether the  
16 minimum school year should be defined by a number of days or  
17 by a number of instructional hours, whether there should be a  
18 uniform, statewide start date for the school year, and whether  
19 resources necessary to extend the minimum instructional day  
20 or the minimum school year are justified when compared to  
21 competing education priorities. The task force shall submit  
22 its findings and recommendations in a report to the state board  
23 of education, the governor, and the general assembly by October  
24 15, 2012.

25 DIVISION XII — ASSESSMENTS. The bill relates to  
26 assessments for children prekindergarten through grade 11 and  
27 requires the department of education to establish and implement  
28 a value-added assessment system.

29 The bill replaces, in language directing the state board  
30 of education to adopt rules requiring that school districts  
31 and accredited nonpublic schools submit a comprehensive  
32 school improvement plan and report to the department and local  
33 communities, references to local education standards and  
34 achievement progress with references to statewide standards  
35 and assessment measures and eliminates reporting requirements



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1 related to locally established student learning goals.

2 Further, the rules adopted by the state board incorporating  
3 accountability for, and reporting of, student achievement  
4 into the standards and accreditation process must provide,  
5 by July 1, 2014, for the establishment by the department of  
6 an accountability system designed to hold school districts  
7 and accredited nonpublic schools accountable for student  
8 achievement. The accountability system must, at a minimum,  
9 define and measure student achievement, student growth,  
10 student achievement gaps, college and career readiness,  
11 student well-being, parent satisfaction, school staff working  
12 conditions, school fiscal responsibility, and graduation and  
13 attendance rates.

14 The state board must also adopt, by July 1, 2014, a policy  
15 for how school districts shall incorporate end-of-course  
16 assessments into their graduation requirements. The director  
17 of the department must, by July 1, 2014, develop high school  
18 end-of-course assessments for core content standards subject  
19 areas, which the school districts must administer as an  
20 integral component of such courses.

21 In addition, the director may at the director's discretion,  
22 or shall as directed by the state board, convene a working  
23 group to develop recommendations for the accountability  
24 system or redesign of accreditation procedures; a compliance  
25 monitoring process aligned with the accountability system;  
26 targeting support for school districts identified as  
27 needing assistance; identifying, studying, and commending  
28 high-performing districts; and developing takeover strategies  
29 for school districts deemed persistently failing to meet  
30 educational system or student achievement standards.

31 The rules the state board adopts establishing high school  
32 graduation requirements shall also require administration of  
33 a college entrance examination. The bill requires school  
34 districts and accredited nonpublic schools to administer  
35 to each student enrolled in grade 11 the college entrance



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1 examination to assess English, reading, mathematics, and  
2 science. Each school district and nonpublic school must  
3 offer to any student enrolled in grade 11 a career readiness  
4 assessment to assess reading for information, locating  
5 information, and applied mathematics.

6 The cost of the college entrance examination shall be paid by  
7 the department of education if funds are made available to the  
8 department for such purpose; the cost of the career readiness  
9 assessments shall be paid by the department if funds are  
10 available to the department for that purpose; and the costs of  
11 any additional college entrance examinations taken by a student  
12 shall be the responsibility of the student. If funds are  
13 available to the department for such purpose, the department  
14 shall make a preparation program available to all students  
15 in grade 11, and may contract for the necessary assessment  
16 services.

17 A student whose scores on the college entrance examination  
18 indicate a high degree of college readiness shall be counseled  
19 by the school district or school to enroll in accelerated  
20 courses, with an emphasis on advanced placement classes. A  
21 student whose scores on the career readiness assessments  
22 indicate that additional assistance is required in reading  
23 for information, locating information, or applied mathematics  
24 shall be provided intervention strategies for accelerated  
25 learning by the school district or school. The bill provides  
26 for accommodations for students with disabilities and students  
27 requiring special education under Code chapter 256B. The  
28 bill requires a student's scores on the college entrance  
29 examinations to be recorded by the school district or school in  
30 the student's official education record.

31 The bill eliminates from the core content requirements  
32 language relating to locally developed content standards.

33 The bill tasks the director of the department of education  
34 with requiring, every three years, a random sampling of  
35 students to take the international programme for international



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1 student assessment.

2 The bill requires the department of education to establish  
3 and implement a value-added assessment system not later than  
4 January 31, 2013, to provide for multivariate longitudinal  
5 analysis of annual student test scores to determine the  
6 influence of a school district's educational program on student  
7 academic growth and to guide school district improvement  
8 efforts. The department of education is directed to select a  
9 value-added assessment system provider, based on criteria set  
10 forth in the bill, through a request for proposals process.  
11 School districts are required to use the system not later than  
12 the 2013-2014 school year, but may request from the district's  
13 area education agency authorization to use an alternative  
14 system.

15 The bill defines "value-added assessment" to mean a method  
16 of measuring gains in student achievement by conducting a  
17 statistical analysis of achievement data that reveals academic  
18 growth over time for students and groups of students, such as  
19 those in a grade level or in a school.

20 The system provider must create a mechanism to collect and  
21 evaluate data in a manner that reliably aligns the performance  
22 of the teacher with the achievement levels and progress  
23 of the teacher's students. School districts must report  
24 teacher-to-student alignment data to the system provider as  
25 directed by the department.

26 The system provider must provide analysis to each school  
27 district and the department of education, and must also chart  
28 data, using criteria set forth in the bill, for each school  
29 district.

30 A school district must have complete access to and full  
31 utilization of its own value-added assessment reports and  
32 charts. Where student outcomes measures are available,  
33 for tested subjects and grades, student outcomes measures  
34 may be considered by the district to validate observational  
35 evaluations. Such measures which are a component of a

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1 teacher's evaluation are not a public record.

2 School districts shall use the student academic growth  
3 data for defining student and district learning goals and  
4 professional development related to student learning goals  
5 across the school district.

6 The department shall use the data to determine school  
7 improvement and technical assistance needs of school districts  
8 and to identify school districts achieving exceptional gains.

9 The department is directed to submit an annual progress report  
10 regarding the use of student academic growth information in the  
11 school improvement processes to the house and senate education  
12 committees and must publish the progress report on its internet  
13 site.

14 The bill also requires each school district to administer a  
15 kindergarten readiness assessment prescribed by the department  
16 to every resident prekindergarten or four-year-old child whose  
17 parent or guardian enrolls the child in the district. The  
18 school districts must also administer the Iowa assessments to  
19 grade 10 students in the 2012-13 and 2013-14 school years.

20 DIVISION XIII — NATIONAL BOARD FOR PROFESSIONAL TEACHING  
21 STANDARDS AWARDS. The bill eliminates the end dates for  
22 the national board for professional teaching standards  
23 certification one-time reimbursement awards and the annual  
24 awards. The term of eligibility for the annual award is 10  
25 years or for the years in which the individual maintains a  
26 valid certificate, whichever time period is shorter.

27 DIVISION XIV — EDUCATOR EMPLOYMENT AND PROFESSIONAL  
28 DEVELOPMENT MATTERS. The bill relates to teacher performance,  
29 compensation, and career development, professional development  
30 for practitioners and state funds for professional development,  
31 and to probationary periods and due process for teachers and  
32 administrators.

33 PROFESSIONAL DEVELOPMENT AND TEACHER EVALUATION. The state  
34 board of education is directed to adopt rules providing for  
35 the establishment of a statewide plan for the professional



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1 development of practitioners employed in Iowa's school  
2 districts. The statewide plan shall be implemented by the area  
3 education agencies (AEAs), each of which must submit annually  
4 to the department of education a plan for a professional  
5 development program for the following fiscal year. The program  
6 developed by the AEA must combine the professional development  
7 priorities of the state board with the professional development  
8 needs of the schools and school districts in the area. The  
9 director of the department must approve, amend and approve, or  
10 reject each AEA plan. The director may grant a waiver to a  
11 school district exempting the school district from utilizing  
12 the AEA plan if the director determines that the school  
13 district's plan achieves the goals of the statewide plan.

14 The department is tasked with implementing the statewide  
15 plan for professional development established by the state  
16 board. A school district is required to utilize the area  
17 professional development plan approved by the director unless  
18 it is granted a waiver by the director.

19 The department of management is directed to annually reduce  
20 the distributions from the amounts generated by the total  
21 professional development supplement district cost and the total  
22 area education agency professional development supplement  
23 district cost to each school district and AEA by 10 percent.  
24 The school district spending authority is also reduced by 10  
25 percent. An amount equivalent to the amount of the reduction  
26 is appropriated to the department for purposes of implementing  
27 the statewide plan for the professional development of  
28 practitioners.

29 The director is authorized to waive requirements relating  
30 to the development and review of an individual teacher  
31 professional development plan for a school district that  
32 utilizes a peer review teacher evaluation system in which  
33 consulting teachers, in conjunction with school administrators,  
34 make formal evaluations of the school district's teachers,  
35 including but not limited to each teacher's professional growth

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1 and employment status.

2 PROBATIONARY PERIODS AND DUE PROCESS. The bill authorizes  
3 school boards, which by a majority vote institute a reduction  
4 in force, to not renew a teacher's contract based on teacher  
5 evaluations, licensure and endorsements, the needs of the  
6 schools and students, and, under certain circumstances, hiring  
7 dates. The bill repeals a Code provision authorizing teachers  
8 and administrators to appeal adjudicator and administrative  
9 law judge decisions regarding employment to the district  
10 court. The administrative law judge to whom an administrator  
11 may currently appeal a school board decision is replaced by  
12 an adjudicator. Currently, the administrative law judge is  
13 jointly selected by the board and the administrator from a  
14 list of five individuals submitted by the board of educational  
15 examiners; under the bill, the public employee relations board  
16 submits the list. The bill makes a number of conforming  
17 changes. Community college and AEA instructors, teachers, and  
18 administrators are considered teachers and administrators for  
19 purposes of the statutory requirements relating to teacher and  
20 administrator employment and are therefore also affected by  
21 these changes.

22 The bill strikes language that permits an adjudicator  
23 to reverse, modify, or grant any appropriate relief from  
24 the board action if substantial rights of the teacher have  
25 been prejudiced because the board action is unsupported by a  
26 preponderance of the competent evidence in the record made  
27 before the board when that record is viewed as a whole. The  
28 adjudicator's decision becomes the final and binding decision  
29 of the school board. In the case of administrators, language  
30 is also eliminated that allowed the administrator to file a  
31 written notice of appeal of the proposed adjudicator's decision  
32 and which allowed the school board to review the proposed  
33 adjudicator's decision on its own motion.

34 The bill reduces considerably the adjudicator process  
35 timelines for teachers and administrators.

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1 For beginning teachers hired on or after July 1, 2012, the  
2 probationary period for a beginning teacher is extended from  
3 three years, with a potential for a one-year extension, to  
4 five years, with a potential for a one-year extension; and the  
5 option for the probationary teacher to appeal a board decision  
6 to an adjudicator and to the district court is eliminated.

7 Under the current Code, nonprobationary teachers are exempt  
8 from this provision, but under the bill if a teacher does  
9 not successfully complete an intensive assistance program  
10 as required, a school board may place the teacher back on  
11 probationary status for the school year following the year in  
12 which the teacher participated in the intensive assistance  
13 program.

14 DIVISION XV — CHARTER SCHOOL CHANGES. The bill rewrites  
15 the majority of Iowa's charter school legislation. The purpose  
16 of the charter school legislation remains the same, as do most  
17 of the general operating requirements, but the bill eliminates  
18 references to innovation zone schools and broadens the list of  
19 entities eligible to submit applications to establish charter  
20 schools. However, the bill provides that a charter school  
21 or innovation zone school established prior to July 1, 2012,  
22 shall continue to be governed by chapter 256F, Code and Code  
23 Supplement 2011, until the term of the contract entered into  
24 pursuant to section 256F.6, Code 2011, ends.

25 ELIGIBLE ENTITIES. Eligible entities under the bill  
26 include the following: school districts, area education  
27 agencies, community colleges, regents universities, nonprofit  
28 private postsecondary institutions, cities and counties  
29 with populations of more than 100,000, and nonsectarian,  
30 nonreligious, tax-exempt charitable organizations; or  
31 consortiums of some of the eligible entities.

32 CONVERSION OF AN EXISTING SCHOOL. The bill continues to  
33 provide that the conversion of an existing school district  
34 attendance center must be supported by at least 50 percent  
35 of the school's teachers and 50 percent of the parents whose

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1 children attend the school.

2 The bill states that the legislation shall not be construed  
3 as a means to keep open a school that a school board decides  
4 to close, but a school board may endorse or authorize the  
5 establishing of a charter school to replace the school the  
6 board decides to close. Applicants seeking a charter under  
7 this circumstance must demonstrate and document that the  
8 charter sought is substantially different in purpose and  
9 program from the school the board closes.

10 DUTIES OF THE DEPARTMENT. The department of education  
11 is tasked with developing and implementing an orientation  
12 program for operators that covers accountability requirements,  
13 reporting requirements, and finance. An operator is an entity  
14 whose application to charter a school has been approved by  
15 the state board. An operator must successfully complete the  
16 orientation program prior to chartering a school. If the  
17 operator does not successfully complete the orientation program  
18 in the time specified by the department, the state board  
19 shall reevaluate the operator's application and may deny the  
20 application.

21 The department must also develop and implement or approve  
22 orientation programs for members of the boards of directors  
23 of charter schools, including but not limited to orientation  
24 on the charter school board's role and responsibilities,  
25 employment policies and practices, and financial management.  
26 Board members must attend ongoing orientation throughout the  
27 member's term.

28 The department shall monitor and evaluate the fiscal,  
29 operational, and student performance of the charter school  
30 annually, and may for this purpose annually collect from a  
31 charter school a reasonable fee established by rule by the  
32 state board based on the number of students who are enrolled in  
33 the charter school. The fee structure shall be stated in the  
34 charter school contract. Every fifth year in which a charter  
35 school is in operation, and before the state board considers



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1 renewing a charter school's contract, the department must  
2 provide to the state board and to the charter school board a  
3 formal written review of the annual evaluations conducted.  
4     OPERATING REQUIREMENTS. New operating requirements  
5 include those requiring that charter schools comply with  
6 statutes relating to the suspension or expulsion of a student,  
7 procedures for handling child abuse, procedures for reporting  
8 weapons and drug or alcohol possession or use, and harassment  
9 and bullying prohibitions and requirements; comply with  
10 statutes and rules relating to student records and school  
11 meal programs; submit data for purposes of the department's  
12 comprehensive management information system; and comply with  
13 statewide accountability requirements governing high school  
14 graduation requirements, the core curriculum, core content  
15 standards, and assessments. Suspension or expulsion decisions  
16 may be appealed to the state board of education. However,  
17 under the bill a charter school no longer must be subject to or  
18 comply with Code chapter 279, relating to teacher contracts and  
19 discharge of teachers or administrators; or meet the 180-day  
20 school year requirement or its equivalent in hours; or provide  
21 school bus transportation to nonpublic school and nonresident  
22 students.  
23     HOME SCHOOL PROHIBITION. The bill prohibits use of a charter  
24 school as a method of providing education to or generating  
25 revenue for students who are receiving competent private  
26 instruction.  
27     PRIMARY FOCUS. The primary focus of a charter school shall  
28 be to provide a comprehensive program of instruction for at  
29 least one grade or age group from 5-21 years of age.  
30     CHARTER SCHOOL APPLICATION. An application to operate a  
31 charter school must include a business plan that documents the  
32 proposed charter school's mission statement, school purposes,  
33 program design, graduation plan, financial plan, governance  
34 and management structure, and background and experience of  
35 the applicants and the initial board and instructional staff,



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1 plus any other information the state board requests; provide  
2 a statement of assurances of legal compliance prescribed by  
3 the state board; provide a statement of support or nonsupport  
4 from the school district in which the charter school would  
5 be located, a statement of community support and need,  
6 and how special education and English as a second language  
7 programs will be made available and financed; demonstrate  
8 the applicant's ability to implement the procedures and  
9 satisfy the criteria for chartering a school; and describe the  
10 measures that will be implemented to provide for oversight  
11 of the charter school's academic, financial, and operational  
12 performance, and ensure compliance with the terms of any  
13 written contract entered into by the charter school board and  
14 the state board. An applicant must file a separate application  
15 for each school the applicant intends to charter.

16 The bill sets forth provisions specifying timelines  
17 and requirements for the approval or disapproval of an  
18 application. Only the state board is authorized to approve  
19 an application. The state board is directed to establish  
20 criteria for application approval that at a minimum considers  
21 the available capacity and infrastructure identified in the  
22 plan, the contracting process specified in the plan, ongoing  
23 oversight and evaluation processes relating to administration  
24 and staffing, and charter school contract and contract renewal  
25 criteria and processes.

26 The approval of an application and renewal of a charter by  
27 the state board shall not be conditioned upon the bargaining  
28 unit status of the employees of the school. Employees of  
29 the board of directors of a charter school may, if otherwise  
30 eligible, organize under Code chapter 20 and comply with its  
31 provisions. The board of directors of a charter school is  
32 a public employer, for the purposes of Code chapter 20, upon  
33 formation of one or more bargaining units at the school.

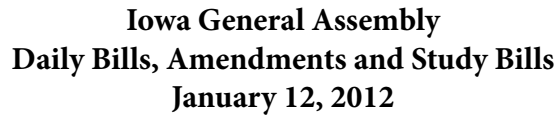
34 OPERATOR OF CHARTER SCHOOL. An operator who successfully  
35 completes the department's orientation program shall, before

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26       EXPANSION TO ADDITIONAL SITES OR GRADES. The state board  
27 may permit the charter school board to expand the operation of  
28 the charter school to additional sites or to add additional  
29 grades at the school beyond those described in the operator's  
30 approved application only after submitting to the state board a  
31 supplemental affidavit that includes a proposed expansion plan  
32 that demonstrates need and projected enrollment; documentation  
33 that the expansion is warranted, at a minimum, by longitudinal  
34 data demonstrating students' improved academic performance and  
35 growth on student assessments; documentation that the charter



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1 school is financially sound and the financing it needs to  
2 implement the proposed expansion exists; and documentation that  
3 the charter school has the governance structure and management  
4 capacity to carry out its expansion.

5 OPEN MEETINGS AND RECORDS. The charter school board is a  
6 government or governmental body for purposes of Iowa's open  
7 meetings and records laws.

8 AUDIT REQUIREMENTS. As under current law, the charter  
9 school must comply with the same statutory audit requirements  
10 as a school district. In addition, the charter school must  
11 annually submit an audit report to the state board by December  
12 31 and include a copy of all charter school agreements for  
13 corporate management services. If the audit report finds  
14 that a material weakness exists in the school's financial  
15 reporting systems, the school shall submit a written report to  
16 the state board explaining how the material weakness will be  
17 resolved, and the school's auditor must agree to make available  
18 information about the audit to the state board upon request.

19 FUNDING. A student enrolled in a charter school shall  
20 be counted, for state school foundation aid purposes, in the  
21 pupil's district of residence. The district of residence shall  
22 pay to the charter school the state cost per pupil for the  
23 previous school year and the combined district cost per pupil,  
24 the teacher salary supplement, the professional development  
25 supplement, and the early intervention supplement, plus any  
26 moneys received for the student as a result of the non-English  
27 speaking weighting for the previous school year multiplied  
28 by the state cost per pupil for the previous year. Other  
29 per pupil moneys may also be payable to a charter school in  
30 accordance with the charter school's approved application.

31 ADMISSION REQUIREMENTS. A charter school may limit  
32 admission to the following: students within an age group or  
33 grade level, students who are either at risk of dropping out or  
34 have dropped out, and residents of a specific geographic area  
35 in which the school is located when the majority of students



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1 served by the school are eligible for free and reduced price  
2 meals under federal guidelines. A charter school shall enroll  
3 an eligible student who submits a timely application, unless  
4 the number of applications exceeds the capacity of a program,  
5 class, grade level, or building. In such case, students shall  
6 be accepted by lot. A charter school shall give enrollment  
7 preference to a sibling of an enrolled student and to a foster  
8 child of that student's parents and may give preference for  
9 enrolling children of the school's staff before accepting other  
10 students by lot. A charter school shall not limit admission  
11 to students on the basis of intellectual ability, measures  
12 of achievement or aptitude, or athletic ability and may not  
13 establish any criteria or requirements for admission that are  
14 inconsistent with this Code section. The charter school shall  
15 not distribute any services or goods of value to students,  
16 parents, or guardians as an inducement, term, or condition of  
17 enrolling a student in a charter school.

18 STAFFING REQUIREMENTS AND QUALIFICATIONS. A charter school  
19 shall employ or contract with necessary licensed teachers  
20 who hold endorsements to perform the particular service for  
21 which they are employed in the school. The school may employ  
22 necessary employees who are not required to hold teaching  
23 licenses to perform duties other than teaching and may contract  
24 for other services.

25 LEASE OF SPACE AND FACILITY CONSTRUCTION. A charter  
26 school may lease space from a school district or other public  
27 organization; a private, nonprofit nonsectarian organization;  
28 a private property owner; or a sectarian organization if the  
29 leased space is constructed as a school facility.

30 A charter school may organize an affiliated nonprofit  
31 building corporation to renovate or purchase an existing  
32 facility to serve as a school or to construct a new school  
33 facility. The bill sets forth requirements for such a  
34 corporation.

35 RETIREMENT SYSTEMS. Teachers in a charter school are public



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1 school teachers and charter schools are employers for the  
2 purposes of Iowa public employees' retirement system.  
3 CONTRACT RENEWAL OR NONRENEWAL. The state board may or  
4 may not renew a charter school contract at the end of the  
5 contract term, and may unilaterally terminate a contract during  
6 the term of the contract, for any of the following grounds:  
7 failure to meet the requirements for student performance  
8 contained in the contract, failure to meet generally accepted  
9 standards of fiscal management, violations of law, and other  
10 good cause shown, including but not limited to the existence  
11 of one or more other grounds for revocation as specified in  
12 the contract. The bill specifies the procedures for not  
13 renewing or terminating a contract. The state board, after  
14 providing reasonable notice to the charter school board, and  
15 after providing an opportunity for a public hearing, may  
16 terminate the existing contract with the charter school board  
17 if the charter school has a history of failure to meet student  
18 performance requirements consistent with state law, financial  
19 mismanagement or failure to meet generally accepted standards  
20 of fiscal management, or violations of the law.  
21 If a contract is not renewed or is terminated, a student  
22 who attended the charter school may enroll in the district of  
23 residence or may submit an open enrollment application to a  
24 nonresident district. The charter school shall transfer the  
25 student's educational records to the student's new school of  
26 enrollment.  
27 LEGAL AUTHORITY. The board of directors of a charter school  
28 may sue and be sued, the charter school shall not levy taxes  
29 or issue bonds, and a charter school is a municipality for  
30 purposes of tort liability of governmental subdivisions.  
31 DIVISION XVI — THIRD GRADE LITERACY. The bill provides for  
32 early grade student assessments for reading deficiencies and  
33 parental notification of reading deficiencies, and retention  
34 for such deficiencies at grade three for students who do not  
35 demonstrate an acceptable level of performance on reading



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1 standardized or alternative assessments.

2 The bill requires the state board of education to adopt  
3 guidelines by July 1, 2013, for implementation of the new  
4 Code provision established by the bill relating to student  
5 progression, retention, and remedial instruction, including  
6 but not limited to basic levels of reading proficiency  
7 on approved assessments and identification of tools that  
8 school districts may use in evaluating and reevaluating any  
9 student who may be or who is determined to be deficient in  
10 reading, including but not limited to initial assessments and  
11 subsequent assessments, alternative assessments, and portfolio  
12 reviews. The state board must adopt standards that provide a  
13 reasonable expectation that a student's progress toward reading  
14 proficiency is sufficient to master appropriate grade four  
15 level reading skills prior to the student's promotion to grade  
16 four.

17 The director of the department of education is required to  
18 identify the scoring levels on approved grade three reading  
19 assessments that will trigger the retention of a student; to  
20 develop or identify and approve alternative but equivalent  
21 qualifying performance measures for students who are not  
22 proficient in reading, such as a demonstration of reading  
23 mastery evidenced by portfolios of student work; and to  
24 establish, subject to an appropriation of state funds, an Iowa  
25 reading research center for the application of current research  
26 on literacy.

27 School districts must provide intensive reading instruction  
28 to students who exhibit a substantial deficiency in reading,  
29 based upon locally determined or statewide assessments  
30 conducted in kindergarten or grade one, grade two, or grade  
31 three, or through teacher observations. The student's reading  
32 proficiency shall be reassessed following the intensive reading  
33 instruction. The student shall continue to be provided with  
34 intensive reading instruction until the reading deficiency is  
35 remedied.





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1 School districts must notify at least annually, in writing,  
2 the parent or guardian of a student who exhibits a substantial  
3 deficiency in reading, the district's determination that  
4 the child is deficient in reading, descriptions of the  
5 services currently provided to the child and of the proposed  
6 supplemental instructional services and supports that the  
7 school district will provide to the child to remediate the  
8 deficiency; that if the child's reading deficiency is not  
9 remediated by the end of grade three, the child will be  
10 retained unless exempt from mandatory retention for good cause;  
11 strategies for parents and guardians to use in helping the  
12 child succeed in reading proficiency; that the assessment  
13 is not the sole determiner of promotion and that additional  
14 evaluations, portfolio reviews, performance measures, and  
15 assessments are available to assist parents and the school  
16 district in knowing when a child is reading at or above grade  
17 level and ready for promotion; and the district's specific  
18 criteria and policies for midyear promotion. "Midyear  
19 promotion", under the bill, means promotion of a retained  
20 student to the next grade level at any time during the year of  
21 retention once the student has demonstrated ability to read at  
22 grade level.

23 The bill does not preclude the parent or guardian of a  
24 student with a reading deficiency from requesting that the  
25 student be retained at grade level.

26 If a student's reading deficiency is not remedied by the  
27 end of grade three, the student shall be retained in grade  
28 three. The school district can exempt students from mandatory  
29 retention for good cause, which under the bill includes  
30 limited English proficient students; students requiring special  
31 education; students who demonstrate an acceptable level of  
32 performance on an approved alternative performance measure;  
33 students who demonstrate mastery through a student portfolio;  
34 and students who have received intensive remediation in reading  
35 for two or more years.



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1 Intensive reading instruction for students promoted under  
2 good cause must include an altered instructional day that  
3 includes specialized diagnostic information and specific  
4 reading strategies for each student, and the school district  
5 must assist attendance centers and teachers to implement  
6 reading strategies.

7 If a student demonstrates acceptable performance through  
8 an alternative assessment or student portfolio, the student's  
9 teacher must document the teacher's recommendation for  
10 promotion to the school principal, and if the principal agrees,  
11 the principal must make a recommendation to the district  
12 superintendent. A parent or guardian may appeal the decision  
13 of the superintendent to the school board, but the school  
14 board's decision is final.

15 Each school district shall conduct a review of student  
16 progress for any student retained who did not meet the  
17 criteria for a good cause exemption. The review shall address  
18 additional supports and services needed to remediate the  
19 identified areas of reading deficiency. The school district  
20 shall require a student portfolio to be completed for each such  
21 student.

22 The intensive supports that a school district must provide  
23 free of charge include a minimum of a 90-minute block of  
24 scientific-research-based reading instruction and other  
25 strategies which may include but are not limited to small group  
26 instruction; reduced teacher-student ratios; more frequent  
27 progress monitoring; tutoring or mentoring; transition classes  
28 containing students in grades three and four; extended school  
29 day, week, or year; and summer reading programs.

30 At regular intervals, the school district shall provide  
31 a report to the parent or guardian apprising the parent or  
32 guardian of academic and other progress being made by the  
33 student and giving other useful information.

34 The school district shall implement a policy for the midyear  
35 promotion of a student who can demonstrate that the student is



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1 a successful and independent reader, reading at or above grade  
2 level, and ready to be promoted to grade four.

3 In addition to required reading enhancement and acceleration  
4 strategies, school districts must provide parents and guardians  
5 of retained students with instructional options such as a plan  
6 outlined in a parental contract, including participation in  
7 regular parent-guided home reading.

8 School districts, using early intervention moneys received  
9 from the state, must also establish a reading enhancement  
10 and acceleration development initiative designed to prevent  
11 the retention of grade three students and to offer intensive  
12 accelerated reading instruction to grade three students  
13 who fail to meet standards for promotion to grade four and  
14 to each kindergarten through grade three student who is  
15 assessed as exhibiting a reading deficiency. The bill amends  
16 Code section 256D.2A to authorize use of the state early  
17 intervention moneys on such initiatives. The initiative shall  
18 be provided to all kindergarten through grade three students  
19 at risk of retention, and shall measure phonemic awareness,  
20 phonics, fluency, vocabulary, and comprehension; be provided  
21 during regular school hours in addition to regular reading  
22 instruction; and provide a reading curriculum that meets the  
23 state board's guidelines and, at a minimum, assists students  
24 in developing the ability to read at grade level; provides  
25 skill development in phonemic awareness, phonics, fluency,  
26 vocabulary, and comprehension; includes scientifically based  
27 and reliable assessment; and provides initial and ongoing  
28 analysis of each student's reading progress; is implemented  
29 during regular school hours; and provides a curriculum in core  
30 academic subjects to assist the student in maintaining or  
31 meeting proficiency levels for the appropriate grade in all  
32 academic subjects.

33 Each school district shall report to the department  
34 the specific intensive reading interventions and supports  
35 implemented by the school district, and shall report on the



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1 number of students retained under the provisions of the bill.  
2 Finally, each school district shall provide a retained  
3 student who has received intensive instructional services but  
4 is still not ready for grade promotion the option of being  
5 placed in a transitional instructional setting specifically  
6 designed to produce learning gains sufficient to meet grade  
7 four performance standards while continuing to remediate the  
8 areas of reading deficiency.

9 DIVISION XVII — STATE MANDATE. The bill may include a state  
10 mandate as defined in Code section 25B.3. The bill requires  
11 that the state cost of any state mandate included in the bill  
12 be paid by a school district from state school foundation aid  
13 received by the school district under Code section 257.16. The  
14 specification is deemed to constitute state compliance with  
15 any state mandate funding-related requirements of Code section  
16 25B.2.



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House Study Bill 520 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ANDERSON)

A BILL FOR

- 1 An Act relating to the treatment and control of bed bug
- 2 infestation under the uniform residential landlord and
- 3 tenant Act.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 562A.6, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 01. "*Bed bug*" means an insect of the  
4 species "*cimex lectularius*", commonly referred to as bed bug.

5 Sec. 2. Section 562A.6, Code 2011, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 001. "*Bed bug infestation*" means the  
8 presence of bed bugs or signs of their presence in a quantity  
9 large enough that the tenant of the dwelling unit has knowledge  
10 or should have knowledge concerning the presence of bed bugs  
11 in the unit.

12 Sec. 3. NEW SECTION. **562A.15A Landlord to maintain premises**  
13 **free of bed bugs.**

14 1. The landlord shall maintain the premises free of a bed  
15 bug infestation.

16 2. Upon provision of written notice pursuant to section  
17 562A.17A, subsection 3, to a landlord from a tenant of a  
18 dwelling unit that the tenant suspects the presence of bed bugs  
19 in the tenant's unit, the landlord's designated pest control  
20 professional shall visually inspect the unit for bed bugs  
21 within seven days.

22 3. Upon conclusion that an infestation of bed bugs does  
23 exist in the unit following an inspection in accordance  
24 with subsection 2, the landlord shall, within fourteen days,  
25 commence controlling the bed bug infestation in the dwelling  
26 unit. Control of bed bugs is complete when no evidence of bed  
27 bug activity has occurred in the dwelling unit for fifty days  
28 after the last application of any treatment.

29 4. The landlord shall give notice to the tenant pursuant  
30 to section 562A.19, subsection 3A, that the landlord requires  
31 access to the dwelling unit for the purpose of inspecting or  
32 controlling the infestation of bed bugs.

33 5. Except when the landlord has been grossly negligent or  
34 has violated section 562A.15 or this section, the landlord and  
35 the landlord's employees and agent shall not be liable to the

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1 tenant or the tenant's guests, invitees, family members, heirs,  
2 subtenants, or any and all successors or assigns for any and  
3 all damages relating to and arising from the infestation of bed  
4 bugs or the inspection for and control of bed bugs.

5 6. A landlord shall not be held liable for damages related  
6 to the presence of bed bugs in the tenant's unit when a tenant  
7 fails to notify the landlord of the presence of bed bugs within  
8 forty-eight hours of first obtaining knowledge.

9 7. A landlord shall not be liable to the tenant or the  
10 tenant's guests for any damages relating to and arising from  
11 the presence of bed bugs if the tenant obstructs or inhibits  
12 the ability of the landlord, the landlord's agent, or employees  
13 of the landlord's designated pest control company to gain  
14 access to the unit for purposes of conducting an inspection  
15 and controlling bed bugs or if the tenant fails to cooperate  
16 with the landlord, the landlord's agent, or employees of  
17 the landlord's designated pest control company in a manner  
18 determined to be necessary to satisfactorily complete requisite  
19 treatments to control a bed bug infestation.

20 Sec. 4. NEW SECTION. 562A.17A Tenant to maintain property  
21 free of bed bugs.

22 1. A tenant of a residential rental property shall maintain  
23 the tenant's dwelling unit free of a bed bug infestation.

24 2. The failure of a tenant to report any bed bug infestation  
25 within the tenant's dwelling unit within seven days after the  
26 tenant moves in shall be an acknowledgment by the tenant that  
27 the dwelling unit is free of bed bugs.

28 3. a. A tenant who has knowledge of or should have  
29 knowledge of a bed bug infestation or who suspects the presence  
30 of bed bugs in the dwelling unit based on the presence of  
31 characteristic bite marks or other known indicating factors,  
32 shall notify the landlord in writing, as to the presence of bed  
33 bugs within forty-eight hours of obtaining knowledge.

34 b. The control of bed bugs in a dwelling unit may  
35 constitute damages to the unit beyond normal wear and tear

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1 and the landlord may itemize and deduct the actual bed bug  
2 control costs pursuant to section 562A.12 if the tenant  
3 fails to provide notice in accordance with this subsection.  
4 The landlord shall have a separate cause of action for the  
5 collection of costs related to the control of bed bugs that  
6 exceeds a tenant's security deposit and for which the tenant is  
7 liable under this subsection.

8     c. A tenant who fails to notify the landlord of bed bugs in  
9 accordance with this subsection shall be held liable for all  
10 bed bug control expenses for the unit and surrounding units  
11 that are or may become infested with bed bugs. Such expenses  
12 may include but are not limited to:

13     (1) The cost of the bed bug control treatment or treatments.

14     (2) The removal and replacement of carpet or flooring.

15     (3) The removal and replacement of cabinets or other  
16 surfaces.

17     (4) Repainting.

18     (5) The cost borne by the landlord of housing each resident  
19 displaced from a dwelling unit that became infested with bed  
20 bugs as a result of the tenant's failure to notify the landlord  
21 of the presence of bed bugs in accordance with this subsection.

22     4. If, after receiving notice of an inspection or control  
23 procedure pursuant to 562A.15A, subsection 4, the tenant  
24 obstructs or inhibits the ability of the landlord, the  
25 landlord's agent, or the employees of the landlord's designated  
26 pest control company to gain access to the unit for purposes of  
27 conducting an inspection or controlling bed bugs, or the tenant  
28 fails to cooperate with the landlord, the landlord's agent, or  
29 employees of the landlord's designated pest control company in  
30 a manner determined to be necessary to satisfactorily complete  
31 requisite treatments to control the bed bug infestation,  
32 the tenant will be found to have violated section 562A.17  
33 for failure to maintain the dwelling unit in a way that has  
34 materially affected health and safety. A violation of this  
35 subsection entitles the landlord to terminate the tenancy and

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1 seek damages.

2 5. a. The tenant shall comply with protocol set by the  
3 landlord, the landlord's agent, and the landlord's designated  
4 pest control company, which is deemed necessary to carry out  
5 control of a bed bug infestation including but not limited  
6 to pretreatment activities, evacuation of the dwelling unit  
7 during and after treatment for a specified period of time, the  
8 completion of all posttreatment activities, and the immediate  
9 reporting of ineffective treatment or a new infestation of bed  
10 bugs to the landlord.

11 b. Failure to strictly comply with the protocol set by the  
12 landlord, the landlord's agent, and the pest control company in  
13 accordance with this subsection will result in the tenant being  
14 financially responsible for all pest control treatments of the  
15 unit and surrounding units that are or may become infested  
16 with bed bugs as a result of the tenant's noncompliance. Such  
17 expenses may include but are not limited to:

18 (1) The cost of the bed bug control treatment or treatments.

19 (2) The removal and replacement of carpet or flooring.

20 (3) The removal and replacement of cabinets or other  
21 surfaces.

22 (4) Repainting.

23 (5) The cost borne by the landlord of housing each resident  
24 displaced from a dwelling unit that became infested with bed  
25 bugs as a result of the tenant's failure to notify the landlord  
26 of the presence of bed bugs in accordance with this subsection.

27 6. A tenant of a dwelling unit shall not apply any bed  
28 bug control technique including but not limited to poisoning,  
29 spraying, fumigating, trapping, or any other recognized and  
30 lawful pest elimination method.

31 7. The landlord and tenant may agree in writing that the  
32 tenant is wholly responsible for any and all bed bug control  
33 costs associated with, or arising from, infestation of the  
34 tenant's dwelling unit.

35 Sec. 5. Section 562A.19, subsection 1, Code 2011, is amended

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1 to read as follows:

2 1. The tenant shall not unreasonably withhold consent  
3 to the landlord to enter into the dwelling unit in order  
4 to inspect the premises, make necessary or agreed repairs,  
5 decorations, alterations, or improvements, supply necessary  
6 or agreed services, conduct an inspection for bed bugs or  
7 control a bed bug infestation, or exhibit the dwelling unit to  
8 prospective or actual purchasers, mortgagees, tenants, workers,  
9 or contractors.

10 Sec. 6. Section 562A.19, Code 2011, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 3A. If the purpose of entry is to conduct  
13 an inspection for bed bugs or to control a bed bug infestation,  
14 the landlord shall give the tenant at least twenty-four hours'  
15 written notice of the landlord's intent to enter.

16 EXPLANATION

17 This bill adds language to the uniform residential landlord  
18 and tenant Act regarding bed bugs in residential rental  
19 property units. The bill provides that both the landlord  
20 and the tenant shall maintain the dwelling unit free of an  
21 infestation of bed bugs. The bill provides that the tenant's  
22 failure to report a bed bug infestation within seven days  
23 of moving in is an acknowledgment that the unit is free of  
24 bed bugs. The bill requires the tenant of a dwelling unit  
25 to report any bed bug infestation within 48 hours of when  
26 the tenant obtained knowledge of the infestation, should  
27 have obtained knowledge of the infestation, or suspected  
28 the presence of bed bugs. A tenant's failure to notify the  
29 landlord within 48 hours results in the tenant becoming liable  
30 for bed bug control expenses, as specified in the bill, for the  
31 unit and surrounding units, and the expenses may be deducted  
32 from the tenant's security deposit. If the tenant fails to  
33 inform the landlord of the presence of bed bugs, the tenant  
34 cannot hold the landlord liable for damages related to the  
35 presence of bed bugs in the unit.

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1 The bill provides that a landlord's designated pest control  
2 professional must visually inspect a unit within seven  
3 days of the landlord's receipt of notice of a potential bed  
4 bug infestation from a tenant. The landlord shall begin  
5 controlling the bed bug infestation in the dwelling unit within  
6 14 days of the conclusion that an infestation exists in the  
7 unit. The landlord must give 24 hours' written notice to  
8 the tenant when the landlord requires access to the unit for  
9 purposes of inspecting for bed bugs or controlling a bed bug  
10 infestation. The bill provides that a landlord is not liable  
11 to the tenant for any damage relating to and arising from the  
12 bed bug infestation or control of bed bug infestation except  
13 when the landlord was grossly negligent or if the landlord  
14 violates the statutory duty to maintain the premises in fit  
15 condition.

16 The bill also provides that the tenant may not obstruct or  
17 inhibit the ability of the landlord, the landlord's agent, or  
18 employees of the pest control company from accessing the unit  
19 to inspect the unit for bed bugs or to control the bed bug  
20 infestation. If a tenant fails to cooperate satisfactorily or  
21 fails to allow access after receiving notice of entry into the  
22 unit, the tenant will be in violation for failing to maintain  
23 the dwelling unit in a way that has materially affected health  
24 and safety. The bill provides that a landlord may terminate  
25 and seek damages for a tenant's failure to allow access or  
26 failure to cooperate. If the tenant fails to allow access or  
27 fails to cooperate, neither the tenant nor the tenant's guests  
28 may hold the landlord liable for any damages relating to the  
29 presence of bed bugs.

30 The bill provides that a tenant also must comply with control  
31 protocol set forth by the landlord, the landlord's agent, and  
32 the pest control company. The tenant's failure to do so will  
33 result in the tenant becoming financially responsible for all  
34 pest control treatments of the unit and surrounding units that  
35 are or may become infested with bed bugs as a result of the

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1 tenant's noncompliance. The bill provides that a tenant is  
2 prohibited from applying any bed bug control techniques. The  
3 bill further provides that a landlord and tenant may agree in  
4 writing that the tenant is responsible for bed bug control  
5 costs pertaining to infestation of the tenant's dwelling unit.



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House Study Bill 521 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to the licensure of ambulatory surgical  
2 centers, providing fees and penalties, and including  
3 effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135C.33, subsection 5, paragraph a, Code  
2 2011, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (6) An employee of an ambulatory surgical  
4 center licensed under chapter 135P.

5 Sec. 2. NEW SECTION. 135P.1 **Definitions.**

6 1. "*Ambulatory surgical center*" means any distinct facility  
7 that operates exclusively for the purpose of providing surgical  
8 services to patients not requiring hospitalization and in which  
9 the expected duration of services would not exceed twenty-four  
10 hours following an admission.

11 2. "*Department*" means the department of inspections and  
12 appeals.

13 3. "*Governmental unit*" means the state, or any county,  
14 municipality, or other political subdivision, or any  
15 department, division, board, or other agency of any of the  
16 foregoing.

17 Sec. 3. NEW SECTION. 135P.2 **Purpose.**

18 The purpose of this chapter is to protect the public  
19 health, safety, and welfare by providing for the development,  
20 establishment, and enforcement of basic standards for the  
21 operation, construction, and maintenance of ambulatory surgical  
22 centers.

23 Sec. 4. NEW SECTION. 135P.3 **Licensure.**

24 No person or governmental unit, acting severally or jointly  
25 with any other person or governmental unit, shall establish,  
26 operate, or maintain an ambulatory surgical center in this  
27 state without obtaining a license as provided under this  
28 chapter.

29 Sec. 5. NEW SECTION. 135P.4 **Application for license — fee.**

30 An ambulatory surgical center license shall be obtained from  
31 the department. Applications for a license shall be upon such  
32 forms and shall include such information as the department may  
33 reasonably require, which may include affirmative evidence  
34 of compliance with this chapter, other statutes, and rules  
35 as may be applicable. Each application for license shall be

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1 accompanied by the required license fee which shall be credited  
2 to the general fund of the state. The initial and annual  
3 license fee shall be five hundred dollars.

4 Sec. 6. NEW SECTION. 135P.5 Issuance and renewal of  
5 license.

6 1. Upon receipt of an application for license and the  
7 license fee, the department shall issue a license if the  
8 applicant and the ambulatory surgical center comply with this  
9 chapter and the rules of the department. The department shall  
10 renew a license upon payment of the five hundred dollar annual  
11 license fee and filing of an application form available from  
12 the department.

13 2. A license shall be either general or restricted in form.  
14 A license shall be issued only for the premises and persons  
15 or governmental units named in the application and is not  
16 transferable or assignable except with the written approval of  
17 the department. A license shall be posted in a conspicuous  
18 place on the licensed premises as prescribed by rule of the  
19 department.

20 Sec. 7. NEW SECTION. 135P.6 Denial, suspension, or  
21 revocation of license — hearings and review.

22 1. The department may deny, suspend, or revoke a license  
23 in any case where it finds that there has been a substantial  
24 failure to comply with this chapter or the rules or minimum  
25 standards adopted pursuant to this chapter.

26 2. The procedure governing notice and hearing to deny  
27 an application or suspend or revoke a license shall be in  
28 accordance with the rules adopted by the department. A full  
29 and complete record shall be kept of the proceedings and of  
30 any testimony. The record of any proceeding pursuant to this  
31 section need not be transcribed unless judicial review is  
32 sought. A copy or copies of the transcript may be obtained by  
33 an interested party on payment of the cost of preparing the  
34 copy or copies.

35 Sec. 8. NEW SECTION. 135P.7 Rules.

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1 1. The department shall adopt rules setting out the  
2 standards for ambulatory surgical centers to be licensed under  
3 this chapter. The rules shall state, at a minimum, that an  
4 ambulatory surgical center shall meet the federal requirements  
5 for conditions of participation in the federal Medicare program  
6 for ambulatory surgical centers under 42 C.F.R. pt. 416.

7 2. The department shall adopt rules to govern the notice  
8 and hearing procedure when a license is denied, suspended, or  
9 revoked.

10 3. The rules shall require ambulatory surgical centers  
11 to report ambulatory data to the department of public health  
12 or the designated intermediary for the purpose of public  
13 dissemination of health data as initially authorized in 1996  
14 Iowa Acts, chapter 1212, section 5, subsection 1, paragraph "a",  
15 subparagraph (4).

16 4. An ambulatory surgical center which is in operation at  
17 the time of promulgation of any applicable rules or minimum  
18 standards under this chapter shall be given a reasonable time,  
19 not to exceed one year from the date of promulgation, within  
20 which to comply with such rules and minimum standards.

21 5. The department shall enforce the rules.

22 Sec. 9. NEW SECTION. 135P.8 **Inspections.**

23 1. The department shall make or cause to be made inspections  
24 or complaint investigations of ambulatory surgical centers as  
25 the department deems necessary in order to determine compliance  
26 with this chapter and applicable rules.

27 2. A department inspector shall not participate in an  
28 inspection or complaint investigation of an ambulatory surgical  
29 center in which the inspector or a member of the inspector's  
30 immediate family works or has worked within the last two years  
31 or in which the inspector or the inspector's immediate family  
32 has a financial ownership interest. For the purposes of this  
33 section, "immediate family member" means a spouse, natural or  
34 adoptive parent or grandparent, child, grandchild, sibling,  
35 stepparent, stepchild, or stepsibling.

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1     Sec. 10. NEW SECTION. 135P.9 **Employee background checks.**

2     1. An ambulatory surgical center shall comply with child or  
3 dependent adult abuse information and criminal record checks  
4 and evaluations as provided in section 135C.33.

5     2. An ambulatory surgical center licensed in this state  
6 may access the single contact repository established by the  
7 department pursuant to section 135C.33 as necessary for the  
8 ambulatory surgical center to perform record checks of persons  
9 employed or being considered for employment by the ambulatory  
10 surgical center.

11    Sec. 11. NEW SECTION. 135P.10 **Confidentiality.**

12    The department's final inspection or investigation findings  
13 or the final survey findings of an accrediting body, authorized  
14 by the department in rule, with respect to compliance by an  
15 ambulatory surgical center with requirements for licensing  
16 or accreditation shall be made available to the public in a  
17 readily available form and place. Other information relating  
18 to an ambulatory surgical center obtained by the department  
19 which does not constitute the department's findings from an  
20 inspection or investigation of the ambulatory surgical center  
21 or the final survey findings of the accrediting body shall  
22 not be made available to the public, except in proceedings  
23 involving the denial, suspension, or revocation of a license  
24 under this chapter. The name of a person who files a complaint  
25 with the department shall remain confidential and shall not  
26 be subject to discovery, subpoena, or other means of legal  
27 compulsion for its release to a person other than department  
28 employees or agents involved in the investigation of the  
29 complaint.

30    Sec. 12. NEW SECTION. 135P.11 **Judicial review.**

31    Judicial review of an action of the department may be sought  
32 in accordance with chapter 17A. Notwithstanding the provisions  
33 of chapter 17A, petitions for judicial review may be filed  
34 in the district court of the county in which the ambulatory  
35 surgical center is located or to be located and the status quo

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1 of the petitioner or licensee shall be preserved pending final  
2 disposition of the judicial review matter.

3 Sec. 13. NEW SECTION. 135P.12 **Penalty.**

4 Any person establishing, conducting, managing, or operating  
5 any ambulatory surgical center without a license commits a  
6 serious misdemeanor, and each day of continuing violation after  
7 conviction shall be considered a separate offense.

8 Sec. 14. NEW SECTION. 135P.13 **Injunction.**

9 Notwithstanding the existence or pursuit of any other  
10 remedy, the department may, in the manner provided by law,  
11 maintain an action in the name of the state for injunction  
12 or other process against any person or governmental unit to  
13 restrain or prevent the establishment, conduct, management, or  
14 operation of an ambulatory surgical center without a license.

15 Sec. 15. EFFECTIVE DATE. This Act takes effect July 1,  
16 2013.

17 **EXPLANATION**

18 This bill relates to ambulatory surgical centers. The bill  
19 defines "ambulatory surgical center" using the definition  
20 provided by Medicare. The bill states the purpose of new Code  
21 chapter 135P is to protect public health, safety, and welfare  
22 by providing basic standards for operating, constructing, and  
23 maintaining an ambulatory surgical center.

24 The bill requires that any person or governmental unit  
25 acting separately or together that establishes, conducts, or  
26 maintains an ambulatory surgical center must have a license as  
27 provided under the Code chapter. The person or governmental  
28 unit shall obtain a license from the department of inspections  
29 and appeals (DIA). The application shall include information  
30 that the DIA may reasonably require including affirmative  
31 evidence of compliance with new Code chapter 135P, other  
32 statutes, and rules. An application must be accompanied by the  
33 required initial license fee of \$500. An annual license fee is  
34 also \$500. The license fees are to be credited to the state's  
35 general fund. The bill also provides that the DIA shall issue

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1 a license upon receiving an application if the applicant  
2 and the ambulatory surgical center comply with Code chapter  
3 135P and the rules of the department. A licensee receives  
4 reapproval upon payment of the \$500 license fee and filing  
5 an application form available from the DIA. Licenses are  
6 general or restricted in form. A license will be issued only  
7 for a premises and persons or governmental units named in the  
8 application and the license is not transferable or assignable  
9 without written approval of the DIA. The bill requires that  
10 a license be posted in a conspicuous place on the licensed  
11 premises as prescribed by department rules.

12 The bill states that the DIA may deny, suspend, or revoke a  
13 license when it finds the licensee or applicant substantially  
14 failed to comply with Code chapter 135P or rules or minimum  
15 standards adopted pursuant to the Code chapter. The bill  
16 states that the DIA rules will govern the procedure for notice  
17 and hearing to deny an application for a license or to revoke  
18 or suspend a license. The bill states a full and complete  
19 record of the proceedings shall be kept, but the record does  
20 not need to be transcribed unless judicial review is sought. A  
21 transcript of the proceeding may be obtained by an interested  
22 party on payment of the cost of preparing the copy or copies.

23 The bill provides that the DIA shall adopt rules setting  
24 the standards for an ambulatory surgical center to be licensed  
25 under the Code chapter. The rules must require that an  
26 ambulatory surgical center shall meet the federal requirements  
27 for conditions of participation in the federal Medicare  
28 program for ambulatory surgical centers under 42 C.F.R.  
29 pt. 416. The DIA must also establish, by rule, the notice  
30 and hearing procedure if a license is denied, revoked, or  
31 suspended. The DIA must also enforce the rules. The rules  
32 established by the DIA shall require ambulatory surgical  
33 centers to report ambulatory data to the department of public  
34 health or the designated intermediary for purposes of public  
35 health dissemination of health data. The bill states that



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1 an ambulatory surgical center in operation at the time of  
2 promulgation of applicable rules or standards under Code  
3 chapter 135P shall be given a reasonable time, not to exceed  
4 one year, to comply with the rules and minimum standards.

5 The bill provides for inspections of ambulatory surgical  
6 centers. The bill requires the DIA to make, or cause to be  
7 made, inspections or complaint investigations as the DIA deems  
8 necessary to determine compliance with Code chapter 135P and  
9 the applicable rules. The DIA inspectors must not participate  
10 in an inspection or complaint investigation of an ambulatory  
11 surgical center if the inspector or a member of the inspector's  
12 immediate family works or has worked at the ambulatory surgical  
13 center within the last two years. A DIA inspector also must  
14 not participate in an inspection or complaint investigation  
15 of an ambulatory surgical center in which the inspector or  
16 the inspector's immediate family has a financial or ownership  
17 interest.

18 The bill provides that an ambulatory surgical center shall  
19 comply with abuse and criminal background checks as provided  
20 in Code section 135C.33. The bill also states that a licensed  
21 ambulatory surgical center is allowed to access the single  
22 contact repository as is necessary to perform record checks of  
23 employees or potential employees.

24 The bill provides for the confidentiality of the DIA records  
25 of ambulatory surgical centers. The bill states that the DIA's  
26 final inspection or investigation findings, or survey findings  
27 of an accredited body authorized by the DIA rules, regarding  
28 an ambulatory surgical center's compliance with requirements  
29 for licensing or accreditation must be made available to the  
30 public in a readily available form and place. The bill states  
31 that other information acquired by the DIA relating to an  
32 ambulatory surgical center shall not be made available to the  
33 public except in proceedings involving denial, suspension,  
34 or revocation of a license. The bill also provides that the  
35 name of a person who files a complaint with the DIA shall

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1 remain confidential regardless of means of legal compulsion  
2 for its release, other than the release of the name to the DIA  
3 employees or agents involved in investigating a complaint.  
4     The bill provides that judicial review may be sought  
5 pursuant to Code chapter 17A, but petitions for judicial review  
6 may be filed in the district court of the county in which the  
7 ambulatory surgical center is located or is to be located,  
8 notwithstanding the terms of Code chapter 17A. The bill  
9 provides that the status quo of the petitioner or licensee is  
10 preserved pending final disposition in court.  
11     The bill establishes a penalty for any person establishing,  
12 conducting, managing, or operating an ambulatory surgical  
13 center without a license. The person is guilty of a serious  
14 misdemeanor and each day of the continuing violation after a  
15 conviction is a separate offense.  
16     The bill provides that the DIA may maintain an action in  
17 the name of the state for an injunction or other process  
18 against a person or governmental unit to restrain or prevent  
19 the establishment, conduct, management, or operation of an  
20 unlicensed ambulatory surgical center.  
21     The bill provides that the Act takes effect July 1, 2013.



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House Study Bill 522 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act exempting review services from specified requirements  
2 otherwise applicable to the performance of attest services  
3 by out-of-state certified public accounting firms.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 542.20, subsection 5, paragraph a, Code  
2 2011, is amended to read as follows:

3 a. The firm shall not perform attest services, other than  
4 review services, in Iowa or for a client having a home office  
5 in Iowa.

6 Sec. 2. Section 542.20, subsection 5, paragraph c, Code  
7 2011, is amended to read as follows:

8 c. The firm may perform compilation or review services only  
9 if it complies with the ownership and peer review requirements  
10 of section 542.7.

11 Sec. 3. Section 542.20, subsection 6, paragraph c, Code  
12 2011, is amended to read as follows:

13 c. An individual who provides attest services, other than  
14 review services, in Iowa or for a client having a home office  
15 in Iowa must practice through a certified public accounting  
16 firm that is licensed under section 542.7.

17 Sec. 4. Section 542.20, subsection 6, Code 2011, is amended  
18 by adding the following new paragraph:

19 NEW PARAGRAPH. h. An individual who provides reviews of  
20 financial statements, as provided in section 542.3, subsection  
21 1, in Iowa or for a client having a home office in Iowa must  
22 provide such services through a certified public accounting  
23 firm that is validly licensed in the state of its principal  
24 place of business and complies with the peer review and  
25 ownership provisions of section 542.7.

26 EXPLANATION

27 This bill exempts review services performed by out-of-state  
28 certified public accounting firms from permit to practice  
29 requirements otherwise applicable to the performance of attest  
30 services by such firms. Review services are included within  
31 the definition of "attest services" pursuant to Code section  
32 542.3, subsection 1. The bill requires review services to  
33 be provided through a certified public accounting firm that  
34 is validly licensed in the state of its principal place of  
35 business and subjects the performance of such services to

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1 ownership and peer review provisions contained in Code section  
2 542.7.





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House Study Bill 523 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to the regulation of persons offering  
2 occupational therapy services.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 148B.2, subsection 2, Code 2011, is  
2 amended to read as follows:

3 2. "*Occupational therapy*" means the therapeutic application  
4 ~~of specific tasks used for the purpose of evaluation and~~  
5 ~~treatment of problems interfering with functional performance~~  
6 ~~in persons impaired by physical illness or injury, emotional~~  
7 ~~disorder, congenital or developmental disability, or the aging~~  
8 ~~process in order to achieve optimum function, for maintenance~~  
9 ~~of health and prevention of disability~~ use of occupations,  
10 including everyday life activities with individuals, groups,  
11 populations, or organizations to support participation,  
12 performance, and function in roles and situations in home,  
13 school, workplace, community, and other settings. Occupational  
14 therapy services are provided for habilitation, rehabilitation,  
15 and the promotion of health and wellness to those who have  
16 or are at risk for developing an illness, injury, disease,  
17 disorder, condition, impairment, disability, activity  
18 limitation, or participation restriction. Occupational  
19 therapy addresses the physical, cognitive, psychosocial,  
20 sensory-perceptual, and other aspects of performance in a  
21 variety of contexts and environments to support engagement in  
22 occupations that affect physical and mental health, well-being,  
23 and quality of life.

24 Sec. 2. Section 148B.3, subsection 5, Code 2011, is amended  
25 by striking the subsection.

26 Sec. 3. Section 148B.3, subsection 6, Code 2011, is amended  
27 to read as follows:

28 6. A nonresident performing occupational therapy services  
29 in the state who is not licensed under this chapter, if the  
30 services are performed for not more than ~~ninety~~ thirty days in  
31 a calendar year in association with an occupational therapist  
32 licensed under this chapter, and the nonresident meets either  
33 of the following requirements:

34 a. The nonresident is licensed under the law of another  
35 state which has licensure requirements at least as stringent as

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1 the requirements of this chapter, ~~or~~.

2     ~~b.~~ The nonresident meets the requirements for certification  
3 as an occupational therapist registered (O.T.R.), or  
4 a certified occupational therapy assistant (C.O.T.A.)  
5 established by the ~~American~~ national board for certification in  
6 occupational therapy ~~association~~.

7     Sec. 4. Section 148B.4, Code 2011, is amended to read as  
8 follows:

9     **148B.4 Limited permit.**

10     1. A limited permit to practice occupational therapy may  
11 be granted to persons a person who have has completed the  
12 education and experience academic and field work requirements  
13 of for occupational therapists under this chapter and has  
14 not yet taken or received the results of the entry-level  
15 certification examination. This permit shall A permit granted  
16 pursuant to this subsection shall be valid for a period of  
17 time as determined by the board by rule and shall allow the  
18 person to practice occupational therapy under the direction  
19 and appropriate supervision of a licensed an occupational  
20 therapist and shall be valid until the date on which the  
21 results of the next qualifying examination have been made  
22 public licensed under this chapter. This The permit shall  
23 expire when the person is issued a license under section 148B.5  
24 or if the person is notified that the person did not pass the  
25 examination. The limited permit shall not be renewed if the  
26 applicant has failed the examination.

27     2. A limited permit to assist in the practice of  
28 occupational therapy may be granted to a person who has  
29 completed the academic and field work requirements for  
30 occupational therapy assistants under this chapter and has  
31 not yet taken or received the results of the entry-level  
32 certification examination. A permit granted pursuant to this  
33 subsection shall be valid for a period of time as determined  
34 by the board by rule and shall allow the person to assist in  
35 the practice of occupational therapy under the direction and



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1 appropriate supervision of an occupational therapist licensed  
2 under this chapter. The permit shall expire when the person  
3 is issued a license under section 148B.5 or if the person is  
4 notified that the person did not pass the examination. The  
5 limited permit shall not be renewed.

6 Sec. 5. Section 148B.6, Code 2011, is amended to read as  
7 follows:

8 **148B.6 Waiver of requirements for licensing.**

9 ~~1.~~ The board may waive the examination and grant a license:

10 1. to To a person certified prior to January 1, 1981, as  
11 an occupational therapist registered (O.T.R.) or a certified  
12 occupational therapy assistant (C.O.T.A.) by the American  
13 ~~Occupational Therapy Association~~ occupational therapy  
14 association.

15 ~~2. The board shall waive the education and experience~~  
16 ~~requirements for licensure in section 148B.5, subsections~~  
17 ~~1 and 2, for applicants for a license who present evidence~~  
18 ~~to the board that they have been engaged in the practice of~~  
19 ~~occupational therapy on and prior to January 1, 1981. Proof~~  
20 ~~of actual practice shall be presented to the board in a manner~~  
21 ~~as it prescribes by rule. To obtain the benefit of this~~  
22 ~~waiver, an applicant must successfully complete the examination~~  
23 ~~within one year from January 1, 1981. However, the waiver is~~  
24 ~~conditional upon the applicant satisfying the education and~~  
25 ~~experience requirements of section 148B.5, subsections 1 and~~  
26 ~~2, within five years of the waiver being granted and if those~~  
27 ~~requirements are not satisfied at the expiration of those five~~  
28 ~~years the board shall revoke the license.~~

29 ~~3. 2.~~ The board may waive the examination and grant a  
30 ~~license to To~~ an applicant who presents proof of current  
31 licensure as an occupational therapist or occupational therapy  
32 assistant in another state, the District of Columbia, or a  
33 territory of the United States which requires standards for  
34 licensure considered by the board to be equivalent to the  
35 requirements for licensure of this chapter.

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1     Sec. 6. NEW SECTION. **148B.8 Unlawful practice.**

2     1. A person shall not practice occupational therapy or  
3 assist in the practice of occupational therapy, provide  
4 occupational therapy services, hold oneself out as an  
5 occupational therapist or occupational therapy assistant or  
6 as being able to practice occupational therapy or assist in  
7 the practice of occupational therapy, or provide occupational  
8 therapy services in this state unless the person is licensed  
9 under this chapter.

10    2. It is unlawful for any person not licensed as an  
11 occupational therapist in this state or whose license is  
12 suspended or revoked to use in connection with the person's  
13 name or place of business in this state the words "*occupational*  
14 *therapist*", "*licensed occupational therapist*", or any word,  
15 title, letters, or designation that implies that the person is  
16 an occupational therapist.

17    3. It is unlawful for any person not licensed as an  
18 occupational therapy assistant in this state or whose license  
19 is suspended or revoked to use in connection with the person's  
20 name or place of business in this state, the words "*occupational*  
21 *therapy assistant*", "*licensed occupational therapy assistant*", or  
22 any word, title, letters, or designation that implies that the  
23 person is an occupational therapy assistant.

24    Sec. 7. NEW SECTION. **148B.9 False use of titles prohibited.**

25    A person or business entity, including the employees,  
26 agents, or representatives of the business entity, shall  
27 not use in connection with that person or business entity's  
28 business activity, the words "occupational therapy",  
29 "occupational therapist", "licensed occupational therapist",  
30 "occupational therapist registered", "doctor of occupational  
31 therapy", "occupational therapy assistant", "licensed  
32 occupational therapy assistant", "certified occupational  
33 therapy assistant", or the letters "O.T.", "O.T./L.",  
34 "O.T.R./L.", "O.T.D.", "O.T.A.", "O.T.A./L.", "C.O.T.A.", or  
35 any words, abbreviations, or insignia indicating or implying

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1 that occupational therapy is provided or supplied unless such  
2 services are provided by or under the direction and supervision  
3 of an occupational therapist licensed pursuant to this chapter.

4 EXPLANATION

5 This bill amends Code chapter 148B, regulating persons  
6 offering occupational therapy services. The bill amends the  
7 definition of "occupational therapy" to mean the therapeutic  
8 use of occupations, including everyday life activities to  
9 support participation, performance, and function in roles and  
10 situations in a variety of settings. The bill states that  
11 occupational therapy services are provided for habilitation,  
12 rehabilitation, and the promotion of health and wellness. The  
13 bill states that occupational therapy addresses physical,  
14 cognitive, psychosocial, sensory-perceptual, and other aspects  
15 of performance to support engagement in occupations that affect  
16 physical and mental health, well-being, and quality of life.

17 The bill strikes Code section 148B.3(5), regarding the  
18 limited practice of a nonresident performing occupational  
19 therapy services in the state. The bill amends Code section  
20 148B.3(6) to decrease the number of days in which a nonresident  
21 performing occupational therapy services in the state who is  
22 not licensed under Code chapter 148B can perform services in  
23 a calendar year from 90 to 30 days. The bill also amends Code  
24 section 148B.3(6) to provide that a nonresident practicing in  
25 the state without a license pursuant to the Code chapter must  
26 meet the requirements for certification as an occupational  
27 therapist or a certified occupational therapy assistant  
28 established by the national board for certification in  
29 occupational therapy.

30 The bill amends Code section 148B.4 to state that a limited  
31 permit to practice occupational therapy or to assist in the  
32 practice of occupational therapy may be granted to a person who  
33 has completed the academic and field work requirements, but  
34 has not taken or has not received results from the entry-level  
35 certification examination. The limited permit is valid for a

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1 period determined by the board by rule and allows a person to  
2 practice occupational therapy, or to assist in the practice  
3 of occupational therapy, under the direction and appropriate  
4 supervision of an occupational therapist licensed under the  
5 Code chapter. The limited permit expires when the person is  
6 issued a license under Code section 148B.5 or the person is  
7 notified that the person did not pass the examination. The  
8 limited permit may not be renewed.

9 The bill amends Code section 148B.6 by striking a provision  
10 regarding the waiver of the education and experience  
11 requirements for licensure of applicants who present evidence  
12 of engagement in the practice of occupational therapy on or  
13 prior to January 1, 1981.

14 The bill provides that it is unlawful for a person to  
15 practice occupational therapy or to assist in that practice,  
16 or claim to be an occupational therapist or occupational  
17 therapy assistant, or claim to practice occupational therapy  
18 or assist in the practice of occupational therapy, or provide  
19 occupational therapy services in the state without a license.  
20 The bill specifies that a person not licensed in the state  
21 as an occupational therapist or an assistant in the practice  
22 of occupational therapy shall not use words that would imply  
23 the person is an occupational therapist or an assistant to an  
24 occupational therapist.

25 The bill also specifies that a person shall not use words or  
26 other abbreviations in connection with that person's business  
27 activity that would imply that occupational therapy is provided  
28 unless the services are provided under the direction and  
29 supervision of an occupational therapist licensed under Code  
30 chapter 148B.



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House Study Bill 524 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ATTORNEY GENERAL  
BILL)

A BILL FOR

1 An Act requiring a person convicted of or receiving a deferred  
2 judgment for an aggravated misdemeanor to submit a DNA  
3 sample and including a contingent effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 81.2, subsection 1, Code 2011, is amended  
2 to read as follows:

3 1. A person who receives a deferred judgment for a  
4 felony, aggravated misdemeanor, or against whom a judgment or  
5 conviction for a felony or aggravated misdemeanor has been  
6 entered shall be required to submit a DNA sample for DNA  
7 profiling pursuant to section 81.4.

8 Sec. 2. Section 81.10, subsection 1, Code 2011, is amended  
9 to read as follows:

10 1. A defendant who has been convicted of a felony or  
11 aggravated misdemeanor and who has not been required to submit  
12 a DNA sample for DNA profiling may make a motion to the court  
13 for an order to require that DNA analysis be performed on  
14 evidence collected in the case for which the person stands  
15 convicted.

16 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
17 3, shall not apply to this Act.

18 Sec. 4. CONTINGENT EFFECTIVE DATE — DEPARTMENT OF PUBLIC  
19 SAFETY AND CODE EDITOR RESPONSIBILITIES.

20 1. This Act takes effect the later of July 1, 2012, or on  
21 the date sufficient funds have been appropriated or received to  
22 pay the costs to implement this Act.

23 2. The commissioner of public safety shall notify the Code  
24 editor when sufficient funds have been appropriated or are  
25 received to pay the costs to implement this Act.

26 EXPLANATION

27 This bill requires a person convicted of an aggravated  
28 misdemeanor to submit a DNA sample.

29 The bill requires a person convicted of or who receives  
30 a deferred judgment for an offense that is classified as  
31 an aggravated misdemeanor to submit a DNA sample for DNA  
32 profiling.

33 Current law provides that a person who is convicted of or  
34 who receives a deferred judgment for an offense classified as a  
35 felony shall submit a DNA sample for DNA profiling.

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1 The bill may include a state mandate as defined in Code  
2 section 25B.3. The bill makes inapplicable Code section 25B.2,  
3 subsection 3, which would relieve a political subdivision from  
4 complying with a state mandate if funding for the cost of  
5 the state mandate is not provided or specified. Therefore,  
6 political subdivisions are required to comply with any state  
7 mandate included in the bill.

8 The bill takes effect the later of July 1, 2012, or when  
9 sufficient funds are appropriated or received by the department  
10 of public safety to implement the bill.



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House Study Bill 525 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ATTORNEY GENERAL  
BILL)

A BILL FOR

1 An Act relating to the possession, distribution, and reporting  
2 of obscene material, and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 728.1, subsection 3, Code 2011, is  
2 amended to read as follows:

3 3. "*Material*" means any book, magazine, newspaper or  
4 other printed or written material or any picture, drawing,  
5 photograph, motion picture, or other pictorial representation  
6 or any statue or other figure, or any recording, transcription  
7 or mechanical, chemical or electrical reproduction, or any live  
8 transmission, or any other articles, equipment, machines or  
9 materials.

10 Sec. 2. Section 728.1, subsection 7, paragraphs e through g,  
11 Code 2011, are amended to read as follows:

12 e. Sadomasochistic abuse of a minor for the purpose of  
13 arousing or satisfying the sexual desires of a person who may  
14 view a visual depiction of the abuse.

15 f. Sadomasochistic abuse of a person by a minor for the  
16 purpose of arousing or satisfying the sexual desires of a  
17 person who may view a visual depiction of the abuse.

18 g. Nudity of a minor for the purpose of arousing or  
19 satisfying the sexual desires of a person who may view a visual  
20 depiction of the nude minor.

21 Sec. 3. Section 728.1, Code 2011, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 11. "*Visual depiction*" means but is  
24 not limited to any picture, slide, photograph, digital or  
25 electronic image, negative image, undeveloped film, motion  
26 picture, videotape, digital or electronic recording, live  
27 transmission, or other pictorial or three-dimensional  
28 representation.

29 Sec. 4. Section 728.12, subsection 1, Code 2011, is amended  
30 to read as follows:

31 1. It shall be unlawful to employ, use, persuade, induce,  
32 entice, coerce, solicit, knowingly permit, or otherwise cause  
33 or attempt to cause a minor to engage in a prohibited sexual  
34 act or in the simulation of a prohibited sexual act. A person  
35 must know, or have reason to know, or intend that the act

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1 or simulated act may be photographed, filmed, or otherwise  
2 preserved in a ~~negative, slide, book, magazine, computer,~~  
3 ~~computer disk, or other print or visual medium, or be preserved~~  
4 ~~in an electronic, magnetic, or optical storage system, or in~~  
5 ~~any other type of storage system~~ visual depiction. A person  
6 who commits a violation of this subsection commits a class  
7 "C" felony. Notwithstanding section 902.9, the court may  
8 assess a fine of not more than fifty thousand dollars for each  
9 offense under this subsection in addition to imposing any other  
10 authorized sentence.

11 Sec. 5. Section 728.12, subsection 3, unnumbered paragraph  
12 1, Code 2011, is amended to read as follows:

13 It shall be unlawful to knowingly purchase or possess a  
14 ~~negative, slide, book, magazine, computer, computer disk, or~~  
15 ~~other print or visual medium, or an electronic, magnetic, or~~  
16 ~~optical storage system, or any other type of storage system~~  
17 ~~which depicts~~ visual depiction of a minor engaging in a  
18 prohibited sexual act or the simulation of a prohibited sexual  
19 act. A person who commits a violation of this subsection  
20 commits an aggravated misdemeanor for a first offense and a  
21 class "D" felony for a second or subsequent offense. For  
22 purposes of this subsection, an offense is considered a second  
23 or subsequent offense if, prior to the person's having been  
24 convicted under this subsection, any of the following apply:

25 Sec. 6. Section 728.14, Code 2011, is amended to read as  
26 follows:

27 **728.14 Commercial film and photographic print processor**  
28 **reports of depictions of minors engaged in prohibited sexual**  
29 **acts.**

30 1. A commercial film and photographic print processor  
31 who has knowledge of or observes, within the scope of the  
32 processor's professional capacity or employment, a ~~film,~~  
33 ~~photograph, video tape, negative, or slide which depicts~~ visual  
34 depiction of a minor whom the processor knows or reasonably  
35 should know to be under the age of eighteen, engaged in a

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jm/rj

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1 prohibited sexual act or in the simulation of a prohibited  
2 sexual act, shall report the visual depiction to the county  
3 attorney immediately or as soon as possible as required in this  
4 section. The processor shall not report to the county attorney  
5 visual depictions involving mere nudity of the minor, but shall  
6 report visual depictions involving a prohibited sexual act.  
7 This section shall not be construed to require a processor  
8 to review all ~~films, photographs, video tapes, negatives, or~~  
9 ~~slides~~ visual depictions delivered to the processor within the  
10 processor's professional capacity or employment.

11 2. For purposes of this section, "*prohibited sexual act*"  
12 means any of the following:

13 *a.* A sex act as defined in section 702.17.

14 *b.* An act of bestiality involving a minor.

15 *c.* Fondling or touching the pubes or genitals of a minor for  
16 the purpose of arousing or satisfying the sexual desires of a  
17 person who may view a visual depiction of the act.

18 *d.* Fondling or touching the pubes or genitals of a person by  
19 a minor for the purpose of arousing or satisfying the sexual  
20 desires of a person who may view a visual depiction of the act.

21 *e.* Sadomasochistic abuse of a minor for the purpose of  
22 arousing or satisfying the sexual desires of a person who may  
23 view a visual depiction of the abuse.

24 *f.* Sadomasochistic abuse of a person by a minor for the  
25 purpose of arousing or satisfying the sexual desires of a  
26 person who may view a visual depiction of the abuse.

27 *g.* Nudity of a minor for the purpose of arousing or  
28 satisfying the sexual desires of a person who may view a visual  
29 depiction of the nude minor.

30 ~~2.~~ 3. A person who violates this section is guilty of a  
31 simple misdemeanor.

32 EXPLANATION

33 This bill relates to the possession, distribution, and  
34 reporting of obscene material.

35 The bill modifies the definition of "material" in Code

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1 chapter 728 to include live transmissions.

2 Under the bill, the modification of the definition of  
3 the term "material" results in changes to the elements of  
4 the following criminal offenses within Code chapter 728:  
5 dissemination of obscene material to minors (Code section  
6 728.2), admitting minors to premises where obscene material is  
7 exhibited (Code section 728.3), rental or sale of hard-core  
8 pornography (Code section 728.4), sexual exploitation of a  
9 minor (Code section 728.12(2)), and telephone dissemination of  
10 obscene material (Code section 728.15).

11 The bill also defines the term "visual depiction" within  
12 Code chapter 728 to include any picture, slide, photograph,  
13 digital or electronic image, negative image, undeveloped film,  
14 motion picture, videotape, digital or electronic recording,  
15 live transmission, or other pictorial or three-dimensional  
16 representation.

17 The bill modifies the elements of the criminal offense of  
18 sexual exploitation of a minor in Code section 728.12(1) and  
19 (3) by substituting references for a computer and other types  
20 of storage systems with the term "visual depiction" as defined  
21 by the bill. The bill also substitutes "visual depiction" for  
22 storage systems referenced in Code section 728.14 to conform  
23 with the sexual exploitation of a minor changes in Code section  
24 728.12.

25 In addition, the word "visual" is added before the word  
26 "depiction" throughout Code chapter 728 to conform with the  
27 changes made by the bill.

28 The changes in the bill to the criminal offense of sexual  
29 exploitation of a minor in Code section 728.12(3) are in  
30 response to the State v. Muhlenbruch, 728 N.W.2d 212 (Iowa  
31 2007).

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House Study Bill 526 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to requirements for a motor vehicle operator to  
2 have control of the vehicle at all times and to reduce speed  
3 in specific situations.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5239YC (2) 84  
dea/nh





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H.F. \_\_\_\_\_

1 Section 1. Section 321.285, subsection 2, paragraph a,  
2 unnumbered paragraph 1, Code 2011, is amended to read as  
3 follows:

4 Unless otherwise provided by this section, or except as  
5 posted pursuant to sections 262.68, 321.236, subsection 5,  
6 section 321.288, subsection 6 2, paragraph "f", sections  
7 321.289, 321.290, 321.293, 321.295, and 461A.36, the following  
8 shall be the lawful speed and any speed in excess thereof shall  
9 be unlawful:

10 Sec. 2. Section 321.288, Code 2011, is amended to read as  
11 follows:

12 **321.288 Control of vehicle — reduced speed.**

13 1. A person operating a motor vehicle shall have the vehicle  
14 under control at all times ~~and.~~

15 2. A person operating a motor vehicle shall reduce the speed  
16 to a reasonable and proper rate:

17 ~~1-~~ a. When approaching and passing a person walking in the  
18 traveled portion of the public highway.

19 ~~2-~~ b. When approaching and passing an animal which is being  
20 led, ridden, or driven upon a public highway.

21 ~~3-~~ c. When approaching and traversing a crossing or  
22 intersection of public highways, or a bridge, sharp turn,  
23 curve, or steep descent, in a public highway.

24 ~~4-~~ d. When approaching and passing an emergency warning  
25 device displayed in accordance with rules adopted under section  
26 321.449, or an emergency vehicle displaying a revolving or  
27 flashing light.

28 ~~5-~~ e. When approaching and passing a slow moving vehicle  
29 displaying a reflective device or alternative reflective device  
30 as provided by section 321.383.

31 ~~6-~~ f. When approaching and passing through a sign-posted  
32 road work zone upon the public highway.

33 EXPLANATION

34 Currently, language in Code section 321.288 requires that  
35 a person operating a motor vehicle "have the vehicle under

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1 control at all times", and in the same sentence, the language  
2 goes on to require the operator to "reduce the speed to a  
3 reasonable and proper rate" and to list the situations in which  
4 the requirement applies. This bill amends that language by  
5 separately stating the requirement to have the vehicle under  
6 control at all times and the requirement to reduce speed to a  
7 reasonable and proper rate under specified circumstances. The  
8 bill contains a conforming amendment to Code section 321.285.  
9 The existing penalty for a violation of Code section  
10 321.288 is not changed by the bill. A violation is a simple  
11 misdemeanor, punishable by a scheduled fine of \$100.



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House Study Bill 527 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

A BILL FOR

- 1 An Act relating to requirements for the operation of a vehicle
- 2 on a roadway laned for traffic and making penalties
- 3 applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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H.F. \_\_\_\_\_

1 Section 1. Section 321.306, unnumbered paragraph 1, Code  
2 2011, is amended to read as follows:

3 ~~Whenever any~~ When a roadway has been divided into ~~three or~~  
4 ~~more~~ clearly marked lanes for traffic, the following rules  
5 shall apply in addition to all ~~others~~ other rules consistent  
6 ~~herewith shall apply~~ with this chapter:

7 EXPLANATION

8 Under current law, certain requirements apply to a person  
9 operating a vehicle on a roadway that is divided into three  
10 or more clearly marked lanes. Those provisions include a  
11 requirement that a vehicle be driven entirely within a single  
12 lane except when it is clearly safe to move out of the lane; a  
13 requirement to heed signage pertaining to slow-moving traffic  
14 or allocating specified lanes to traffic moving in the same  
15 direction; and a requirement for vehicles in a lane designated  
16 for slow-moving vehicles to yield the right-of-way to vehicles  
17 moving in the same direction in another lane when the lanes  
18 merge. This bill makes those requirements applicable wherever  
19 a roadway is divided into lanes, regardless of the number of  
20 lanes.

21 Current provisions relating specifically to driving in the  
22 center lane of a three-lane roadway are not altered by the  
23 bill.

24 A violation of requirements pertaining to laned roadways is  
25 a simple misdemeanor punishable by a scheduled fine of \$100.  
26 A violation that results in serious injury may subject the  
27 violator to an additional fine of \$500 or driver's license  
28 suspension for not more than 90 days, or both. A violation  
29 that results in the death of a person may subject the violator  
30 to an additional fine of \$1,000 and license suspension for not  
31 more than 180 days.



Iowa General Assembly  
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House Study Bill 528 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to expenses for medical aid incurred by an  
2 arrested person prior to booking into a jail or municipal  
3 holding facility.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5266YC (3) 84  
jm/rj



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H.F. \_\_\_\_\_

1 Section 1. Section 356.15, Code 2011, is amended to read as  
2 follows:

3 **356.15 Expenses.**

4 1. For purposes of this section, "booking" means the  
5 functions performed by a jail or municipal holding facility to  
6 receive a prisoner as described in section 356.7, subsection 7.

7 2. All expenses for medical aid incurred by an arrested  
8 person prior to the booking of the arrested person into a  
9 jail or municipal holding facility due to the conduct of the  
10 arrested person during the arrest, are the responsibility of  
11 the arrested person.

12 3. All charges and expenses for the safekeeping and  
13 maintenance of prisoners shall be allowed by the board of  
14 supervisors, except those committed or detained by the  
15 authority of the courts of the United States, in which cases  
16 the United States must pay such expenses to the county, or  
17 those committed for violation of a city ordinance, in which  
18 case the city shall pay expenses to the county, or those  
19 committed or detained from another state, in which case the  
20 governmental entity from the other state sending the prisoners  
21 shall pay expenses to the county.

22 EXPLANATION

23 This bill relates to expenses for medical aid incurred by  
24 an arrested person prior to booking into a jail or municipal  
25 holding facility.

26 The bill requires that all expenses for medical aid incurred  
27 by an arrested person prior to booking into a jail or municipal  
28 holding facility due to the conduct of the arrested person  
29 during the arrest, are the responsibility of the arrested  
30 person.

31 The bill defines "booking" to mean the functions performed  
32 by a jail or municipal holding facility to receive a prisoner  
33 as described in Code section 356.7(7).

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**Senate File 2019 - Introduced**

SENATE FILE 2019  
BY DANIELSON

**A BILL FOR**

1 An Act relating to mandatory infant safe sleep training for  
2 personnel of child care facilities and child care homes and  
3 including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5447XS (2) 84  
ad/nh



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S.F. 2019

1 Section 1. Section 234.7, Code Supplement 2011, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 3. The department of human services shall  
4 establish an infant safe sleep education review panel for  
5 review and approval of sudden infant death syndrome and infant  
6 safe sleep practices training curricula for operators and  
7 employees of child care homes and licensed or registered child  
8 care facilities.

9 Sec. 2. Section 237A.3, Code 2011, is amended by adding the  
10 following new subsection:

11 NEW SUBSECTION. 4. An operator or employee of a child care  
12 home shall complete two hours of training relating to sudden  
13 infant death syndrome and infant safe sleep practices within  
14 six months of initial operation or employment, as applicable.  
15 An operator or employee shall complete at least two hours of  
16 additional training relating to sudden infant death syndrome  
17 and infant safe sleep practices every five years. The operator  
18 or employee shall complete the initial or additional training  
19 requirements as part of a training program using a curriculum  
20 approved by the infant safe sleep education review panel  
21 established by the department of human services pursuant to  
22 section 234.7, subsection 3.

23 Sec. 3. Section 237A.5, Code 2011, is amended by adding the  
24 following new subsection:

25 NEW SUBSECTION. 6. a. An operator or employee of a  
26 licensed or registered facility shall complete two hours of  
27 training relating to sudden infant death syndrome and infant  
28 safe sleep practices within six months of initial operation  
29 or employment, as applicable. An operator or employee shall  
30 complete at least two hours of additional training relating to  
31 sudden infant death syndrome and infant safe sleep practices  
32 every five years. The operator or employee shall complete  
33 the initial or additional training requirements as part of a  
34 training program using a curriculum approved by the infant safe  
35 sleep education review panel established by the department of

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1 human services pursuant to section 234.7, subsection 3.

2       b. The department shall require as a condition of renewal  
3 of a facility's licensure or registration that all operators  
4 or employees of the licensed or registered facility are in  
5 compliance with the training requirements of this subsection.

6     Sec. 4. Section 237A.26, subsection 6, paragraph a, Code  
7 Supplement 2011, is amended to read as follows:

8       a. Assist families in selecting quality child care. The  
9 agency must provide referrals to registered and licensed child  
10 care facilities, and to persons providing care, supervision,  
11 and guidance of a child which is not defined as child care  
12 under section 237A.1 and may provide referrals to unregistered  
13 providers whose operators and employees have completed the  
14 training required by section 237A.3, subsection 4.

15     Sec. 5. APPLICABILITY. A person who is an operator or  
16 employee of a child care home or child care facility on the  
17 effective date of this Act shall complete the initial two hours  
18 of training required by this Act by July 1, 2013.

EXPLANATION

20 This bill relates to mandatory training regarding sudden  
21 infant death syndrome (SIDS) and infant safe sleep for  
22 operators and employees of child care homes and child care  
23 facilities. The bill requires operators of and employees  
24 at child care homes and child care facilities to complete  
25 two hours of training relating to SIDS and infant safe sleep  
26 practices within six months of initial employment. Operators  
27 and employees must also complete at least two hours of  
28 additional training every five years. The bill states that the  
29 department of human services shall condition the renewal of a  
30 facility's license or registration on the facility's operators'  
31 and employees' compliance with the training requirements.  
32 The bill also provides that an agency which receives a child  
33 care resource and referral grant may provide referrals to an  
34 unregistered provider only if the operators and employees of  
35 the provider have completed the required SIDS and infant safe

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1 sleep practices training. The bill provides that current  
2 operators and employees of child care homes and facilities must  
3 complete two hours of SIDS and infant safe sleep practices  
4 training by July 1, 2013.



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**Senate File 2020 - Introduced**

SENATE FILE 2020  
BY DANIELSON

**A BILL FOR**

1 An Act allowing an honorably discharged veteran to request  
2 that the veteran's driver's license or nonoperator's  
3 identification be marked with the letter "V" to indicate  
4 veteran status.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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aw/nh



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S.F. 2020

1 Section 1. Section 321.189, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 8. *Veteran status.* Upon request of a  
4 licensee who is an honorably discharged veteran of the armed  
5 forces of the United States, the letter "V" shall appear  
6 prominently on the face of the license. Such a license shall  
7 be issued only upon receipt of satisfactory proof of veteran  
8 status pursuant to procedures established by the department.

9 Sec. 2. Section 321.190, subsection 1, paragraph b, Code  
10 Supplement 2011, is amended to read as follows:

11 b. (1) The department shall not issue a card to a person  
12 holding a driver's license. However, a card may be issued to a  
13 person holding a temporary permit under section 321.181. The  
14 card shall be identical in form to a driver's license issued  
15 under section 321.189 except the word "nonoperator" shall  
16 appear prominently on the face of the card.

17 (2) A nonoperator's identification card issued to a person  
18 under eighteen years of age shall contain the same information  
19 as any other nonoperator's identification card except that the  
20 words "under eighteen" shall appear prominently on the face of  
21 the card.

22 (3) A nonoperator's identification card issued to a  
23 person eighteen years of age or older but under twenty-one  
24 years of age shall contain the same information as any other  
25 nonoperator's identification card except that the words "under  
26 twenty-one" shall appear prominently on the face of the card.

27 (4) A nonoperator's identification card issued to a veteran  
28 of the armed forces of the United States who satisfies the  
29 requirements of section 321.189, subsection 8, shall contain  
30 the same information as any other nonoperator's identification  
31 card except the letter "V" shall appear prominently on the face  
32 of the card.

33 EXPLANATION

34 This bill provides that a person who is an honorably  
35 discharged veteran of the armed forces of the United States

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1 may request to have that status noted on the person's driver's  
2 license or nonoperator's identification card. A veteran making  
3 such a request is required to provide proof of veteran status.  
4 The license card issued to the veteran will have the letter "V"  
5 marked prominently on its face.



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**Senate File 2021 - Introduced**

SENATE FILE 2021  
BY RAGAN and BARTZ

**A BILL FOR**

1 An Act relating to school bus safety, including providing  
2 penalties for failure to obey school bus warning lamps and  
3 stop signal arms, providing for a school bus safety study,  
4 and making an appropriation.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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dea/nh



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S.F. 2021

1 Section 1. Section 321.372, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5. *a.* The driver of a school bus who  
4 commits a violation of subsection 1 or 2 is guilty of a simple  
5 misdemeanor punishable as a scheduled violation under section  
6 805.8A, subsection 10.

7 *b.* A person convicted of a violation of subsection 3 is  
8 subject to the following:

9 (1) For a first offense under subsection 3, the person  
10 is guilty of a simple misdemeanor punishable by a fine of at  
11 least two hundred fifty dollars but not more than six hundred  
12 seventy-five dollars.

13 (2) For a second or subsequent offense under subsection 3,  
14 the person is guilty of a serious misdemeanor.

15 Sec. 2. Section 321.482A, unnumbered paragraph 1, Code  
16 2011, is amended to read as follows:

17 Notwithstanding section 321.482, a person who is convicted  
18 of operating a motor vehicle in violation of section 321.178,  
19 subsection 2, paragraph "a", subparagraph (2), section  
20 321.180B, subsection 6, section 321.194, subsection 1,  
21 paragraph "c", section 321.256, section 321.257, section  
22 321.275, subsection 4, section 321.276, 321.297, 321.298,  
23 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307,  
24 321.308, section 321.309, subsection 2, or section 321.311,  
25 321.319, 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,  
26 321.324A, 321.327, 321.329, ~~or 321.333~~, or 321.372, subsection  
27 3, causing serious injury to or the death of another person  
28 may be subject to the following penalties in addition to the  
29 penalty provided for a scheduled violation in section 805.8A or  
30 any other penalty provided by law:

31 Sec. 3. Section 805.8A, subsection 10, paragraph b, Code  
32 Supplement 2011, is amended by striking the paragraph.

33 Sec. 4. SCHOOL BUS SAFETY STUDY — APPROPRIATION.

34 1. The department of transportation shall conduct a study  
35 relating to school bus safety, or may contract with an outside

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1 vendor to conduct such a study under the direction of the  
2 department. The study shall focus on the use of cameras  
3 mounted on school buses to enhance the safety of children  
4 riding the buses and to aid in enforcement of motor vehicle  
5 laws pertaining to school bus safety. The study shall also  
6 consider the feasibility of requiring school children to be  
7 picked up and dropped off on the side of the road on which  
8 their home is located, the inclusion of school bus safety as a  
9 priority in driver training curriculum, and any other issues  
10 deemed appropriate by the department. The department shall  
11 report its findings and recommendations to the general assembly  
12 on or before December 31, 2012.

13 2. There is appropriated from the statutory allocations  
14 fund to the department of transportation an amount sufficient  
15 to fund the study required under this section.

16 Sec. 5. EFFECTIVE UPON ENACTMENT. The section of this  
17 Act providing for a school bus safety study, being deemed of  
18 immediate importance, takes effect upon enactment.

19 EXPLANATION

20 This bill contains provisions relating to school bus safety.

21 Under current law, when the driver of a vehicle meets a  
22 school bus with flashing amber warning lights, the driver is  
23 required to reduce the vehicle's speed to not more than 20  
24 miles per hour and, when the stop signal arm on the bus is  
25 extended, bring the vehicle to a complete stop and remain  
26 stopped until the stop arm is retracted. The driver of a  
27 vehicle overtaking a school bus may not pass the school bus  
28 when the bus's red or amber warning lights are flashing.  
29 When the bus's stop signal arm is extended, the driver of  
30 an overtaking vehicle must stop at least 15 feet from the  
31 school bus and remain stopped until the stop arm is retracted  
32 and the bus resumes motion. Currently, a violation of these  
33 requirements is a simple misdemeanor, punishable by a scheduled  
34 fine of \$200. Pursuant to Code section 321.372A, a citation  
35 for such a violation can be issued to the owner of the vehicle

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1 if the identity of the driver cannot be determined by the  
2 investigating peace officer.

3 The bill increases the penalty for a first offense to a  
4 simple misdemeanor punishable by a fine of at least \$250 but  
5 not more than \$675. In addition, a person convicted of a  
6 simple misdemeanor may be subject to confinement for no more  
7 than 30 days.

8 The bill provides that a second or subsequent violation is  
9 punishable as a serious misdemeanor. A serious misdemeanor is  
10 punishable by confinement for no more than one year and a fine  
11 of at least \$315 but not more than \$1,875.

12 The bill adds failure to obey school bus warning lights and  
13 stop arm signals to the list of violations for which additional  
14 penalties may apply in cases involving serious injury or death.  
15 A violation causing serious injury may subject the driver to  
16 an additional fine of \$500 or driver's license suspension for  
17 not more than 90 days, or both. A violation causing death may  
18 subject the driver to an additional fine of \$1,000 or driver's  
19 license suspension for not more than 180 days, or both.

20 The bill requires the department of transportation to  
21 conduct, or contract for, a study relating to school bus  
22 safety, focusing on the effectiveness of cameras mounted on  
23 school buses. A report to the general assembly regarding  
24 the department's findings and recommendations is due by  
25 December 31, 2012. The bill contains an appropriation from  
26 the statutory allocations fund to pay the costs of conducting  
27 the study. These provisions relating to the school bus safety  
28 study are effective upon enactment of the bill.



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Senate Resolution 101 - Introduced

SENATE RESOLUTION NO. 101

BY BEALL and BOETTGER

1 A Resolution congratulating the Republic of China on  
2 Taiwan on its twentieth anniversary of participating  
3 in the Asia-Pacific Economic Cooperation forum and  
4 supporting the Republic of China on Taiwan as a part  
5 of the global community.

6 WHEREAS, the Republic of China on Taiwan in 2012  
7 is celebrating 20 years of Taiwan's participation in  
8 the Asia-Pacific Economic Cooperation (APEC) forum and  
9 its active role in promoting economic cooperation in  
10 the Asia-Pacific region, particularly in the areas of  
11 broadening opportunities for digital computing, green  
12 technologies, and renewable energy, improving crisis  
13 management for small and medium-size enterprises,  
14 and establishing a research center for typhoon and  
15 society; and

16 WHEREAS, Taiwan in 2010 ranked as the United States'  
17 ninth largest trading partner in the world, serving as  
18 the United States' thirteenth largest export market and  
19 ninth largest source of imports; and

20 WHEREAS, Taiwan is the world's sixth largest market  
21 for United States agricultural goods, as well as the  
22 fifteenth-largest market for Iowa goods, worth \$106  
23 million in 2010, an increase of 12.9 percent above  
24 Iowa's exports to Taiwan in 2009, which exports could  
25 increase further in coming years with the expected  
26 purchases of soybeans and corn following the September  
27 2011 visit of the Taiwan Agricultural Goodwill Mission  
28 to Iowa and the Midwest, thus contributing to the

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1 region's economy; and

2 WHEREAS, Taiwan seeks greater regional integration  
3 in the Asian-Pacific and welcomes the opportunity  
4 presented by the United States announcement at the  
5 2011 APEC leaders' meeting of its intent to not only  
6 join the Trans-Pacific Partnership (TPP), the proposed  
7 twenty-first century trade agreement between the United  
8 States and eight other Asia-Pacific Rim countries, but  
9 to expand TPP membership in the future to include other  
10 countries, such as Taiwan; and

11 WHEREAS, Taiwan's absence from international  
12 organizations has impeded Taiwan's ability to  
13 participate in global climate initiatives and to  
14 respond to natural disasters like Typhoon Morakot,  
15 which struck Taiwan in the summer of 2009, an unusually  
16 destructive typhoon season in the Pacific; and

17 WHEREAS, aviation safety has become a major global  
18 concern since 2001, with Taiwan being a key air  
19 transport hub in the Asia-Pacific region, with more  
20 than 1 million flights passing through the Taipei  
21 Flight Information Region, and with one of the world's  
22 largest airports by cargo volume, Taoyuan International  
23 Airport; NOW THEREFORE,

24 BE IT RESOLVED BY THE SENATE, That the Iowa Senate  
25 congratulates the Republic of China on Taiwan in  
26 2012 on the one-hundredth anniversary of its Founding  
27 Day of January 1, and separately, on its 20 years of  
28 participation in the APEC forum; supports Taiwan's  
29 efforts to secure entry to the TPP, along with  
30 the United States and other friendly Asia-Pacific

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1 Rim countries; and reaffirms its support for the  
2 participation of Taiwan in the United Nations  
3 Framework Convention on Climate Change (UNFCCC) and  
4 the International Civil Aviation Organization (ICAO)  
5 to increase Taiwan's international stature in and  
6 contribution to the global community; and  
7 BE IT FURTHER RESOLVED, That the Secretary of  
8 the Senate is hereby directed to send a copy of this  
9 Resolution to United States Secretary of State Hillary  
10 Rodham Clinton; Executive Secretary Christiana Figueres  
11 of the UNFCCC; Secretary General Raymond Benjamin of  
12 the ICAO; President Ma Ying-jeou of the Republic of  
13 China (Taiwan); and the Taipei Economic and Cultural  
14 Office in Chicago, Illinois.



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**Senate Study Bill 3011 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED SECRETARY OF  
STATE BILL)

**A BILL FOR**

1 An Act relating to the naming of certain business entities.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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da/nh



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 486A.1002, Code 2011, is amended to read  
2 as follows:

3 **486A.1002 Name.**

4 1. The name of a limited liability partnership must end with  
5 "Registered Limited Liability Partnership", "Limited Liability  
6 Partnership", "R.L.L.P.", "L.L.P.", "RLLP", or "LLP".

7 2. The name of a limited liability partnership shall not  
8 contain any combination of letters, numbers, or symbols that  
9 create a connotation that is offensive to good taste and  
10 decency.

11 Sec. 2. Section 486A.1102, subsection 1, paragraph a, Code  
12 2011, is amended to read as follows:

13 a. (1) The name of the foreign limited liability  
14 partnership which satisfies the requirements of the state or  
15 other jurisdiction under whose law it is formed and ends with  
16 "Registered Limited Liability Partnership", "Limited Liability  
17 Partnership", "R.L.L.P.", "L.L.P.", "RLLP", or "LLP".

18 (2) Notwithstanding subparagraph (1), the name of a limited  
19 liability partnership shall not contain any combination of  
20 letters, numbers, or symbols that create a connotation that is  
21 offensive to good taste and decency.

22 Sec. 3. Section 488.108, Code 2011, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 4A. The name of a limited partnership shall  
25 not contain any combination of letters, numbers, or symbols  
26 that create a connotation that is offensive to good taste and  
27 decency.

28 Sec. 4. Section 489.108, Code 2011, is amended by adding the  
29 following new subsection:

30 NEW SUBSECTION. 3A. The name of a limited liability company  
31 shall not contain any combination of letters, numbers, or  
32 symbols that create a connotation that is offensive to good  
33 taste and decency.

34 Sec. 5. Section 490.401, Code 2011, is amended by adding the  
35 following new subsection:

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1 NEW SUBSECTION. 4A. A corporate name shall not contain  
2 any combination of letters, numbers, or symbols that create a  
3 connotation that is offensive to good taste and decency.

4 Sec. 6. Section 499.4, Code 2011, is amended to read as  
5 follows:

6 499.4 Use of term "cooperative" restricted Name.

7 1. A person including a corporation hereafter organized,  
8 which is not an association as defined in this chapter or a  
9 cooperative as defined in chapter 501 or 501A, shall not use  
10 the word "cooperative" or any abbreviation thereof in its  
11 name or advertising or in any connection with its business,  
12 except foreign associations admitted under section 499.54. The  
13 attorney general or any association or any member thereof may  
14 sue and enjoin such use.

15 2. The name of an association shall not contain any  
16 combination of letters, numbers, or symbols that create a  
17 connotation that is offensive to good taste and decency.

18 3. This chapter does not control the use of fictitious  
19 names; however, if a cooperative association or a foreign  
20 cooperative association uses a fictitious name in this state,  
21 it shall deliver to the secretary of state for filing a copy  
22 of the resolution of its board of directors, certified by its  
23 secretary, adopting the fictitious name.

24 Sec. 7. Section 501.104, Code 2011, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 1A. The name of a foreign cooperative shall  
27 not contain any combination of letters, numbers, or symbols  
28 that create a connotation that is offensive to good taste and  
29 decency.

30 Sec. 8. Section 501.104, subsection 2, paragraph c, Code  
31 2011, is amended to read as follows:

32 c. The name of a foreign cooperative, cooperative  
33 association, or corporation authorized to do business in this  
34 state, including as provided in section 499.54 or section  
35 501A.221. The name of a foreign cooperative shall not contain

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1 any combination of letters, numbers, or symbols that create a  
2 connotation that is offensive to good taste and decency.

3 Sec. 9. Section 501A.301, Code 2011, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 4A. A cooperative name shall not contain  
6 any combination of letters, numbers, or symbols that create a  
7 connotation that is offensive to good taste and decency.

8 Sec. 10. Section 504.401, Code 2011, is amended by adding  
9 the following new subsection:

10 NEW SUBSECTION. 4A. A corporate name shall not contain  
11 any combination of letters, numbers, or symbols that create a  
12 connotation that is offensive to good taste and decency.

13 EXPLANATION

14 This bill amends a number of provisions relating to a  
15 business entity that is domestic and organized under the  
16 laws of this state or foreign and doing business in this  
17 state. Types of business entities include limited liability  
18 partnerships (Code chapter 486A), limited partnerships (Code  
19 chapter 488), limited liability companies (Code chapter  
20 489), business corporations (Code chapter 490), cooperative  
21 associations (Code chapters 499, 501, and 501A), or nonprofit  
22 corporations (Code chapter 504). In order for a business  
23 entity to be organized or transact operations in this state,  
24 it must comply with applicable legal requirements. The  
25 conventions include certain naming conventions. For example,  
26 a corporation's name must identify it as a corporation, its  
27 name cannot imply that it is organized for an unlawful purpose,  
28 and the name cannot use the name of an existing corporation  
29 (Code section 490.401). This bill provides that a corporation  
30 or other business entity cannot use a name that contains any  
31 combination of letters, numbers, or symbols that create a  
32 connotation that is offensive to good taste and decency.





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**Senate Study Bill 3012 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT BILL)

**A BILL FOR**

1 An Act removing provisions relating to inactive programs  
2 administered by the department of workforce development.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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je/sc



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 84A.5, subsection 7, paragraphs a and c,  
2 Code Supplement 2011, are amended by striking the paragraphs.

3 Sec. 2. Section 97B.1A, subsection 8, paragraph b,  
4 subparagraph (8), Code Supplement 2011, is amended by striking  
5 the subparagraph.

6 Sec. 3. REPEAL. Sections 84A.7, 84A.9, and 84A.10, Code  
7 2011, are repealed.

8 EXPLANATION

9 This bill removes obsolete language from the Code relating  
10 to programs administered by the department of workforce  
11 development which are no longer active or funded.

12 The programs removed are the Iowa conservation corps, the  
13 statewide mentoring program, and the new employment opportunity  
14 program. The Iowa conservation corps was established to  
15 provide public services jobs for certain specified segments of  
16 the population in conservation-related areas. The statewide  
17 mentoring program was established to recruit, screen, train,  
18 and match individuals in mentoring relationships. The new  
19 employment opportunity program was established to assist  
20 individuals in underutilized segments of the workforce to gain  
21 and retain employment.



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**Senate Study Bill 3013 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED SECRETARY OF  
STATE BILL)

**A BILL FOR**

1 An Act authorizing the secretary of state to modify fees for  
2 businesses newly organizing in this state during an Iowa  
3 start a business month.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5243XD (3) 84  
da/nh



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 DIVISION I  
2 IOWA START-UP BUSINESS INITIATIVE  
3 Section 1. NEW SECTION. 9.4A Iowa start a business  
4 initiative.  
5 1. As used in this section, unless the context otherwise  
6 requires, "*business entity*" means a profit or nonprofit business  
7 organized under the laws of this state, including but not  
8 limited to a partnership or limited liability partnership  
9 under chapter 486A; a limited partnership under chapter 488;  
10 a limited liability company under chapter 489; a corporation  
11 under chapter 490; a cooperative association under chapter 499,  
12 501, or 501A; or a nonprofit corporation under chapter 504.  
13 2. The secretary of state may establish and administer an  
14 Iowa start a business initiative. In order to participate in  
15 the initiative as an Iowa start-up business, a business entity  
16 must qualify as a newly formed Iowa-based business according to  
17 requirements established by rules adopted by the secretary of  
18 state.  
19 3. The secretary of state may designate a month as "Iowa  
20 start a business month".  
21 4. The secretary of state may reduce or waive any fee that  
22 must be paid to the secretary of state as a direct result of  
23 organizing an Iowa start-up business during an Iowa start a  
24 business month, which may include a filing fee paid by a person  
25 as required pursuant to section 486A.1202, 488.1206, 489.117,  
26 490.122, 499.45, 501.105, 501A.205, or 504.113.  
27 5. If the secretary of state implements this section or any  
28 part of this section, it may adopt all rules that the secretary  
29 of state determines is necessary for its administration.

30 DIVISION II  
31 COORDINATING PROVISIONS  
32 Sec. 2. Section 486A.1202, Code 2011, is amended by adding  
33 the following new subsection:  
34 NEW SUBSECTION. 4. The secretary of state may reduce or  
35 waive any fee that is otherwise required to be collected by the

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1 secretary of state under this chapter, if the fee is to be paid  
2 by a person as a direct result of organizing an Iowa start-up  
3 business as provided in section 9.4A.

4 Sec. 3. Section 488.1206, Code 2011, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 4. The secretary of state may reduce or  
7 waive any fee that is otherwise required to be collected by the  
8 secretary of state under this chapter, if the fee is to be paid  
9 by a person as a direct result of organizing an Iowa start-up  
10 business as provided in section 9.4A.

11 Sec. 4. Section 489.117, Code 2011, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 3A. The secretary of state may reduce or  
14 waive any fee that is otherwise required to be collected by the  
15 secretary of state under this chapter, if the fee is to be paid  
16 by a person as a direct result of organizing an Iowa start-up  
17 business as provided in section 9.4A.

18 Sec. 5. Section 490.122, Code Supplement 2011, is amended by  
19 adding the following new subsection:

20 NEW SUBSECTION. 4. The secretary of state may reduce or  
21 waive any fee that is otherwise required to be collected by the  
22 secretary of state under this chapter, if the fee is to be paid  
23 by a person as a direct result of organizing an Iowa start-up  
24 business as provided in section 9.4A.

25 Sec. 6. Section 501.105, Code 2011, is amended by adding the  
26 following new subsection:

27 NEW SUBSECTION. 7. The secretary of state may reduce or  
28 waive any fee that is otherwise required to be collected by the  
29 secretary of state under this chapter, if the fee is to be paid  
30 by a person as a direct result of organizing an Iowa start-up  
31 business as provided in section 9.4A.

32 Sec. 7. Section 501A.205, Code 2011, is amended by adding  
33 the following new subsection:

34 NEW SUBSECTION. 4. The secretary of state may reduce or  
35 waive any fee that is otherwise required to be collected by the

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1 secretary of state under this chapter, if the fee is to be paid  
2 by a person as a direct result of organizing an Iowa start-up  
3 business as provided in section 9.4A.

4 Sec. 8. Section 504.113, Code Supplement 2011, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 4. The secretary of state may reduce or  
7 waive any fee that is otherwise required to be collected by the  
8 secretary of state under this chapter, if the fee is to be paid  
9 by a person as a direct result of organizing an Iowa start-up  
10 business as provided in section 9.4A.

11 EXPLANATION

12 This bill authorizes the secretary of state to provide for an  
13 Iowa start-up business initiative for the benefit of domestic  
14 business entities newly organized under the laws of this state  
15 according to rules adopted by the secretary of state. Under  
16 the initiative, the secretary of state may designate a month  
17 as "Iowa start a business month". The secretary of state may  
18 reduce or waive any fee required to be paid by a person as a  
19 direct result of organizing an Iowa start-up business during  
20 that month (e.g., filing articles of incorporation for an Iowa  
21 corporation). The secretary of state is authorized to adopt  
22 rules to administer the initiative.



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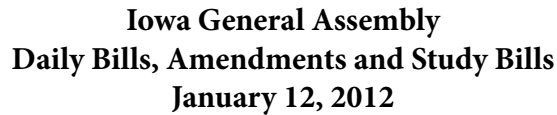
Senate Study Bill 3014 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ECONOMIC  
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to employee stock ownership plans by  
2 encouraging the adoption of such plans by Iowa corporations,  
3 creating an individual income tax exemption, making an  
4 appropriation, and including retroactive applicability  
5 provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5250DP (2) 84  
mm/sc



DIVISION I

ESOP FORMATION ASSISTANCE

Section 1. EMPLOYEE STOCK OWNERSHIP PLAN ASSISTANCE AND PROMOTION.

1. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For providing financial assistance, including establishment of a loan program, and technical assistance, marketing, and education to businesses interested in establishing employee stock ownership plans and for procuring the services of an independent contractor with expertise in the formation of employee stock ownership plans:

.....	\$ 1,000,000
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Notwithstanding section 8.33, moneys appropriated pursuant to this section shall not revert but shall remain available to the economic development authority for the purposes designated until expended. Notwithstanding section 12C.7, subsection 2, earnings or interest on moneys appropriated pursuant to this section shall be retained by the economic development authority and used for the purposes designated until expended.

25 CAPITAL GAIN DEDUCTION FOR SALE TO AN IOWA ESOP

26 Sec. 2. Section 422.7, subsection 21, Code Supplement 2011,

27 is amended by adding the following new paragraph:

28 NEW PARAGRAPH. e. (1) To the extent not already excluded,

29 the net capital gain from the sale or exchange of employer

30 securities of an Iowa corporation to a qualified Iowa employee

31 stock ownership plan when, upon completion of the transaction,

32 the qualified Iowa employee stock ownership plan owns at least

33 thirty percent of all outstanding employer securities issued

34 by the Iowa corporation.

35 (2) For purposes of this paragraph:

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1 (a) "*Employer securities*" means the same as defined in  
2 section 409(1) of the Internal Revenue Code.

3 (b) "*Iowa corporation*" means a corporation whose commercial  
4 domicile, as defined in section 422.32, is in this state.

5 (c) "*Qualified Iowa employee stock ownership plan*" means an  
6 employee stock ownership plan, as defined in section 4975(e)(7)  
7 of the Internal Revenue Code, and trust that are established  
8 by an Iowa corporation for the benefit of the employees of the  
9 corporation.

10 Sec. 3. RETROACTIVE APPLICABILITY. This division of this  
11 Act applies retroactively to January 1, 2012, for tax years  
12 beginning on or after that date.

13 EXPLANATION

14 This bill relates to employee stock ownership plans.

15 Division I of the bill provides for an appropriation of \$1  
16 million to the economic development authority for the purpose  
17 of providing financial assistance, including the establishment  
18 of a loan program, and technical assistance, marketing, and  
19 education to businesses regarding the formation of employee  
20 stock ownership plans.

21 Division II of the bill provides for an exemption from the  
22 computation of the state individual income tax of the net  
23 capital gain from the sale or exchange of employer securities  
24 of an Iowa corporation to a qualified Iowa employee stock  
25 ownership plan if, upon completion of the sale or exchange,  
26 the qualified Iowa employee stock ownership plan owns at least  
27 30 percent of all outstanding employer securities issued  
28 by the Iowa corporation. For purposes of the exemption,  
29 "employer securities" means the same as defined in section  
30 409(1) of the Internal Revenue Code, "Iowa corporation"  
31 means a corporation whose commercial domicile is in Iowa,  
32 and "qualified Iowa employee stock ownership plan" means an  
33 employee stock ownership plan and trust that is established by  
34 an Iowa corporation for the benefit of the employees of the  
35 corporation.



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1 Division II of the bill applies retroactively to January 1,  
2 2012, for tax years beginning on or after that date.



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**Senate Study Bill 3015 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED CITIZENS'  
AIDE/OMBUDSMAN BILL)

**A BILL FOR**

1 An Act relating to the title of the office of citizens' aide.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 2.12, unnumbered paragraph 4, Code 2011,  
2 is amended to read as follows:  
3 There is appropriated out of any funds in the state treasury  
4 not otherwise appropriated such sums as may be necessary for  
5 the fiscal year budgets of the legislative services agency and  
6 the ~~citizens'~~ aide ombudsman office for salaries, support,  
7 maintenance, and miscellaneous purposes to carry out their  
8 statutory responsibilities. The legislative services agency  
9 and the ~~citizens'~~ aide ombudsman office shall submit their  
10 proposed budgets to the legislative council not later than  
11 September 1 of each year. The legislative council shall review  
12 and approve the proposed budgets not later than December 1 of  
13 each year. The budget approved by the legislative council for  
14 each of its statutory legislative agencies shall be transmitted  
15 by the legislative council to the department of management on  
16 or before December 1 of each year for the fiscal year beginning  
17 July 1 of the following year. The department of management  
18 shall submit the approved budgets received from the legislative  
19 council to the governor for inclusion in the governor's  
20 proposed budget for the succeeding fiscal year. The approved  
21 budgets shall also be submitted to the chairpersons of the  
22 committees on appropriations. The committees on appropriations  
23 may allocate from the funds appropriated by this section  
24 the funds contained in the approved budgets, or such other  
25 amounts as specified, pursuant to a concurrent resolution to be  
26 approved by both houses of the general assembly. The director  
27 of the department of administrative services shall issue  
28 warrants for salaries, support, maintenance, and miscellaneous  
29 purposes upon requisition by the administrative head of each  
30 statutory legislative agency. If the legislative council  
31 elects to change the approved budget for a legislative agency  
32 prior to July 1, the legislative council shall transmit the  
33 amount of the budget revision to the department of management  
34 prior to July 1 of the fiscal year, however, if the general  
35 assembly approved the budget it cannot be changed except

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1 pursuant to a concurrent resolution approved by the general  
2 assembly.

3 Sec. 2. Section 2.42, subsection 14, Code 2011, is amended  
4 to read as follows:

5 14. To hear and act upon appeals of aggrieved employees of  
6 the legislative services agency and the office of the ~~citizens'~~  
7 ~~aide~~ ombudsman pursuant to rules of procedure established by  
8 the council.

9 Sec. 3. Section 2C.2, Code 2011, is amended to read as  
10 follows:

11 **2C.2 Office established.**

12 The office of ~~citizens'~~ ~~aide~~ ombudsman is established.

13 Sec. 4. Section 2C.3, Code 2011, is amended to read as  
14 follows:

15 **2C.3 Appointment — vacancy.**

16 1. The ~~citizens'~~ ~~aide~~ ombudsman shall be appointed by the  
17 legislative council with the approval and confirmation of a  
18 constitutional majority of the senate and with the approval  
19 and confirmation of a constitutional majority of the house of  
20 representatives. The legislative council shall fill a vacancy  
21 in this office in the same manner as the original appointment.  
22 If the appointment or vacancy occurs while the general assembly  
23 is not in session, such appointment shall be reported to the  
24 senate and the house of representatives within thirty days of  
25 their convening at their next regular session for approval and  
26 confirmation.

27 2. The ~~citizens'~~ ~~aide~~ ombudsman shall employ and supervise  
28 all employees under the ~~citizens'~~ ~~aide's~~ ombudsman's direction  
29 in such positions and at such salaries as shall be authorized  
30 by the legislative council. The legislative council shall hear  
31 and act upon appeals of aggrieved employees of the office of  
32 the ~~citizens'~~ ~~aide~~ ombudsman.

33 Sec. 5. Section 2C.4, Code 2011, is amended to read as  
34 follows:

35 **2C.4 Citizen of United States and resident of Iowa.**

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1 The ~~citizens'~~aide ombudsman shall be a citizen of the  
2 United States and a resident of the state of Iowa, and shall  
3 be qualified to analyze problems of law, administration, and  
4 public policy.

5 Sec. 6. Section 2C.5, Code 2011, is amended to read as  
6 follows:

7 **2C.5 Term — removal.**

8 The ~~citizens'~~aide ombudsman shall hold office for four  
9 years from the first day in July of the year of approval by the  
10 senate and the house of representatives, and until a successor  
11 is appointed by the legislative council, unless the ~~citizens'~~  
12 aide ombudsman can no longer perform the official duties, or  
13 is removed from office. The ~~citizens'~~aide ombudsman may at  
14 any time be removed from office by constitutional majority vote  
15 of the two houses of the general assembly or as provided by  
16 chapter 66. If a vacancy occurs in the office of ~~citizens'~~  
17 aide ombudsman, the deputy ~~citizens'~~aide ombudsman shall act  
18 as ~~citizens'~~aide ombudsman until the vacancy is filled by the  
19 legislative council.

20 Sec. 7. Section 2C.6, Code 2011, is amended to read as  
21 follows:

22 **2C.6 Deputy — assistant for penal agencies.**

23 1. The ~~citizens'~~aide ombudsman shall designate one of the  
24 members of the staff as the deputy ~~citizens'~~aide ombudsman,  
25 with authority to act as ~~citizens'~~aide ombudsman when the  
26 ~~citizens'~~aide ombudsman is absent from the state or becomes  
27 disabled. The ~~citizens'~~aide ombudsman may delegate to members  
28 of the staff any of the ~~citizens'~~aide's authority or duties of  
29 the office except the duty of formally making recommendations  
30 to agencies or reports to the governor or the general assembly.

31 2. The ~~citizens'~~aide ombudsman shall appoint an assistant  
32 who shall be primarily responsible for investigating complaints  
33 relating to penal or correctional agencies.

34 Sec. 8. Section 2C.7, unnumbered paragraph 1, Code 2011, is  
35 amended to read as follows:

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1 Neither the ~~citizens'~~ombudsman nor any member of the  
2 staff shall:

3 Sec. 9. Section 2C.8, Code 2011, is amended to read as  
4 follows:

5 **2C.8 Closed files.**

6 The ~~citizens'~~ombudsman may maintain secrecy in respect  
7 to all matters including the identities of the complainants or  
8 witnesses coming before the ~~citizens'~~ombudsman, except  
9 that the general assembly, any standing committee of the  
10 general assembly or the governor may require disclosure of any  
11 matter and shall have complete access to the records and files  
12 of the ~~citizens'~~ombudsman. The ~~citizens'~~ombudsman  
13 may conduct private hearings.

14 Sec. 10. Section 2C.9, Code 2011, is amended to read as  
15 follows:

16 **2C.9 Powers.**

17 The ~~citizens'~~ombudsman may:

18 1. Investigate, on complaint or on the ~~citizens'~~ombudsman's  
19 ombudsman's own motion, any administrative action of any  
20 agency, without regard to the finality of the administrative  
21 action, except that the ~~citizens'~~ombudsman shall not  
22 investigate the complaint of an employee of an agency in regard  
23 to that employee's employment relationship with the agency  
24 except as otherwise provided by this chapter. A communication  
25 or receipt of information made pursuant to the powers  
26 prescribed in this chapter shall not be considered an ex parte  
27 communication as described in the provisions of section 17A.17.

28 2. Investigate, on complaint or on the ~~citizens'~~ombudsman's  
29 ombudsman's own motion, any administrative action of any person  
30 providing child welfare or juvenile justice services under  
31 contract with an agency that is subject to investigation by the  
32 ~~citizens'~~ombudsman. The person shall be considered to  
33 be an agency for purposes of the ~~citizens'~~ombudsman's  
34 investigation.

35 3. Prescribe the methods by which complaints are to be made,

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1 received, and acted upon; determine the scope and manner of  
2 investigations to be made; and, subject to the requirements of  
3 this chapter, determine the form, frequency, and distribution  
4 of the conclusions and recommendations of the ~~citizens' aide~~  
5 ombudsman.

6 4. Request and receive from each agency assistance and  
7 information as necessary in the performance of the duties of  
8 the office. Notwithstanding section 22.7, pursuant to an  
9 investigation the ~~citizens' aide~~ ombudsman may examine any and  
10 all records and documents of any agency unless its custodian  
11 demonstrates that the examination would violate federal  
12 law or result in the denial of federal funds to the agency.  
13 Confidential documents provided to the ~~citizens' aide~~ ombudsman  
14 by other agencies shall continue to maintain their confidential  
15 status. The ~~citizens' aide~~ ombudsman is subject to the same  
16 policies and penalties regarding the confidentiality of the  
17 document as an employee of the agency. The ~~citizens' aide~~  
18 ombudsman may enter and inspect premises within any agency's  
19 control and may observe proceedings and attend hearings, with  
20 the consent of the interested party, including those held under  
21 a provision of confidentiality, conducted by any agency unless  
22 the agency demonstrates that the attendance or observation  
23 would violate federal law or result in the denial of federal  
24 funds to that agency. This subsection does not permit the  
25 examination of records or access to hearings and proceedings  
26 which are the work product of an attorney under section 22.7,  
27 subsection 4, or which are privileged communications under  
28 section 622.10.

29 5. Issue a subpoena to compel any person to appear, give  
30 sworn testimony, or produce documentary or other evidence  
31 relevant to a matter under inquiry. The ~~citizens' aide~~  
32 ombudsman, deputies, and assistants of the ~~citizens' aide~~  
33 ombudsman may administer oaths to persons giving testimony  
34 before them. If a witness either fails or refuses to obey  
35 a subpoena issued by the ~~citizens' aide~~ ombudsman, the

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1 ~~citizens' aide~~ ombudsman may petition the district court having  
2 jurisdiction for an order directing obedience to the subpoena.  
3 If the court finds that the subpoena should be obeyed, it shall  
4 enter an order requiring obedience to the subpoena, and refusal  
5 to obey the court order is subject to punishment for contempt.

6 6. Establish rules relating to the operation, organization,  
7 and procedure of the office of the ~~citizens' aide~~ ombudsman.  
8 The rules are exempt from chapter 17A and shall be published in  
9 the Iowa administrative code.

10 Sec. 11. Section 2C.10, Code 2011, is amended to read as  
11 follows:

12 **2C.10 No charge for services.**

13 ~~No~~ A monetary charge or other charge shall not be levied upon  
14 any person as a prerequisite to presentation of a complaint to  
15 the ~~citizens' aide~~ ombudsman.

16 Sec. 12. Section 2C.11, Code 2011, is amended to read as  
17 follows:

18 **2C.11 Subjects for investigations.**

19 1. An appropriate subject for investigation by the office of  
20 the ~~citizens' aide~~ ombudsman is an administrative action that  
21 might be:

22 *a.* Contrary to law or regulation.

23 *b.* Unreasonable, unfair, oppressive, or inconsistent with  
24 the general course of an agency's functioning, even though in  
25 accordance with law.

26 *c.* Based on a mistake of law or arbitrary in ascertainties  
27 of fact.

28 *d.* Based on improper motivation or irrelevant consideration.

29 *e.* Unaccompanied by an adequate statement of reasons.

30 2. The ~~citizens' aide~~ ombudsman may also be concerned with  
31 strengthening procedures and practices which lessen the risk  
32 that objectionable administrative actions will occur.

33 Sec. 13. Section 2C.11A, Code 2011, is amended to read as  
34 follows:

35 **2C.11A Subjects for investigations — disclosures of**

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1 information.

2 The office of ~~citizens'~~ombudsman shall investigate  
3 a complaint filed by an employee who is not a merit system  
4 employee or an employee covered by a collective bargaining  
5 agreement and who alleges that adverse employment action has  
6 been taken against the employee in violation of section 70A.28,  
7 subsection 2. A complaint filed pursuant to this section shall  
8 be made within thirty calendar days following the effective  
9 date of the adverse employment action. The ~~citizens'~~ombudsman  
10 shall investigate the matter and shall issue findings  
11 relative to the complaint in an expeditious manner.

12 Sec. 14. Section 2C.12, Code 2011, is amended to read as  
13 follows:

14 **2C.12 Complaints investigated.**

15 1. The ~~citizens'~~ombudsman may receive a complaint from  
16 any source concerning an administrative action. The ~~citizens'~~  
17 ombudsman shall conduct a suitable investigation into the  
18 administrative actions complained of unless the ~~citizens'~~ombudsman  
19 finds substantiating facts that:

20 a. The complainant has available another remedy or channel  
21 of complaint which the complainant could reasonably be expected  
22 to use.

23 b. The grievance pertains to a matter outside the ~~citizens'~~  
24 ombudsman's power.

25 c. The complainant has no substantive or procedural interest  
26 which is directly affected by the matter complained about.

27 d. The complaint is trivial, frivolous, vexatious, or not  
28 made in good faith.

29 e. Other complaints are more worthy of attention.

30 f. The ~~citizens'~~ombudsman's resources are insufficient  
31 for adequate investigation.

32 g. The complaint has been delayed too long to justify  
33 present examination of its merit.

34 2. The ~~citizens'~~ombudsman may decline to investigate  
35 a complaint, but shall not be prohibited from inquiring into

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1 the matter complained about or into related problems at some  
2 future time.

3 Sec. 15. Section 2C.13, Code 2011, is amended to read as  
4 follows:

5 **2C.13 No investigation — notice to complainant.**

6 If the ~~citizens'~~aide ombudsman decides not to investigate,  
7 the complainant shall be informed of the reasons for  
8 the decision. If the ~~citizens'~~aide ombudsman decides  
9 to investigate, the complainant and the agency shall be  
10 notified of the decision. After completing consideration  
11 of a complaint, whether or not it has been investigated,  
12 the ~~citizens'~~aide ombudsman shall without delay inform the  
13 complainant of the fact, and if appropriate, shall inform the  
14 agency involved. The ~~citizens'~~aide ombudsman shall on request  
15 of the complainant, and as appropriate, report the status of  
16 the investigation to the complainant.

17 Sec. 16. Section 2C.14, Code 2011, is amended to read as  
18 follows:

19 **2C.14 Institutionalized complainants.**

20 A letter to the ~~citizens'~~aide ombudsman from a person in  
21 a correctional institution, a hospital, or other institution  
22 under the control of an agency shall be immediately forwarded,  
23 unopened, to the ~~citizens'~~aide ombudsman by the institution  
24 where the writer of the letter is a resident. A letter from the  
25 ~~citizens'~~aide ombudsman to such a person shall be immediately  
26 delivered, unopened, to the person.

27 Sec. 17. Section 2C.15, Code 2011, is amended to read as  
28 follows:

29 **2C.15 Reports critical of agency or officer.**

30 Before announcing a conclusion or recommendation that  
31 criticizes an agency or any officer or employee, the ~~citizens'~~  
32 aide ombudsman shall consult with that agency, officer, or  
33 employee, and shall attach to every report sent or made under  
34 the provisions of this chapter a copy of any unedited comments  
35 made by or on behalf of the officer, employee, or agency.

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1     Sec. 18. Section 2C.16, Code 2011, is amended to read as  
2 follows:

3     **2C.16 Recommendations to agency.**

4     1. The ~~citizens' aide~~ ombudsman shall state recommendations  
5 to an agency, if, after having considered a complaint and  
6 whatever material the ~~citizens' aide~~ ombudsman deems pertinent,  
7 the ~~citizens' aide~~ ombudsman finds substantiating facts for any  
8 of the following:

9     a. A matter should be further considered by the agency.

10    b. An administrative action should be modified or canceled.

11    c. A rule on which an administrative action is based should  
12 be altered.

13    d. Reasons should be given for an administrative action.

14    e. Any other action should be taken by the agency.

15    2. If the ~~citizens' aide~~ ombudsman requests, the agency  
16 shall, within twenty working days notify the ~~citizens' aide~~  
17 ombudsman of any action taken on the recommendations or the  
18 reasons for not complying with them.

19    3. If the ~~citizens' aide~~ ombudsman believes that an  
20 administrative action has occurred because of laws of which  
21 results are unfair or otherwise objectionable, the ~~citizens'~~  
22 ~~aide~~ ombudsman shall notify the general assembly concerning  
23 desirable statutory change.

24    Sec. 19. Section 2C.17, Code 2011, is amended to read as  
25 follows:

26    **2C.17 Publication of conclusions.**

27    1. The ~~citizens' aide~~ ombudsman may publish the  
28 conclusions, recommendations, and suggestions and transmit  
29 them to the governor or the general assembly or any of its  
30 committees. When publishing an opinion adverse to an agency or  
31 official the ~~citizens' aide~~ ombudsman shall, unless excused by  
32 the agency or official affected, include with the opinion any  
33 unedited reply made by the agency.

34    2. Any conclusions, recommendations, and suggestions so  
35 published may at the same time be made available to the news

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1 media or others who may be concerned.

2 Sec. 20. Section 2C.18, Code 2011, is amended to read as  
3 follows:

4 **2C.18 Report to general assembly.**

5 The ~~citizens'~~aide ombudsman shall by April 1 of each year  
6 submit an economically designed and reproduced report to the  
7 general assembly and to the governor concerning the exercise  
8 of the ~~citizens'~~aide ombudsman functions during the preceding  
9 calendar year. In discussing matters with which the ~~citizens'~~  
10 aide ombudsman has been concerned, the ~~citizens'~~aide ombudsman  
11 shall not identify specific persons if to do so would cause  
12 needless hardship. If the annual report criticizes a named  
13 agency or official, it shall also include unedited replies made  
14 by the agency or official to the criticism, unless excused by  
15 the agency or official affected.

16 Sec. 21. Section 2C.19, Code 2011, is amended to read as  
17 follows:

18 **2C.19 Disciplinary action recommended.**

19 If the ~~citizens'~~aide ombudsman believes that any public  
20 official, employee or other person has acted in a manner  
21 warranting criminal or disciplinary proceedings, the ~~citizens'~~  
22 aide ombudsman shall refer the matter to the appropriate  
23 authorities.

24 Sec. 22. Section 2C.20, Code 2011, is amended to read as  
25 follows:

26 **2C.20 Immunities.**

27 No civil action, except removal from office as provided  
28 in chapter 66, or proceeding shall be commenced against the  
29 ~~citizens'~~aide ombudsman or any member of the staff for any  
30 act or omission performed pursuant to the provisions of this  
31 chapter unless the act or omission is actuated by malice or  
32 is grossly negligent, nor shall the ~~citizens'~~aide ombudsman  
33 or any member of the staff be compelled to testify in any  
34 court with respect to any matter involving the exercise of the  
35 ~~citizens'~~aide's ombudsman's official duties except as may be

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1 necessary to enforce the provisions of this chapter.

2 Sec. 23. Section 2C.21, Code 2011, is amended to read as  
3 follows:

4 **2C.21 Witnesses.**

5 A person required by the ~~citizens'~~ aide ombudsman to provide  
6 information shall be paid the same fees and travel allowances  
7 as are extended to witnesses whose attendance has been required  
8 in the district courts of this state. Officers and employees  
9 of an agency shall not be entitled to such fees and allowances.  
10 A person who, with or without service of compulsory process,  
11 provides oral or documentary information requested by the  
12 ~~citizens'~~ aide ombudsman shall be accorded the same privileges  
13 and immunities as are extended to witnesses in the courts of  
14 this state, and shall also be entitled to be accompanied and  
15 advised by counsel while being questioned.

16 Sec. 24. Section 2C.22, Code 2011, is amended to read as  
17 follows:

18 **2C.22 Penalties.**

19 A person who willfully obstructs or hinders the lawful  
20 actions of the ~~citizens'~~ aide ombudsman or the ~~citizens'~~ aide's  
21 ombudsman's staff, or who willfully misleads or attempts to  
22 mislead the ~~citizens'~~ aide ombudsman in the ~~citizens'~~ aide's  
23 ombudsman's inquiries, shall be guilty of a simple misdemeanor.

24 Sec. 25. Section 2C.23, Code 2011, is amended to read as  
25 follows:

26 **2C.23 Citation.**

27 This chapter shall be known and may be cited as the "*Iowa*  
28 *~~Citizens' Aide Ombudsman~~ Act*".

29 Sec. 26. Section 8F.3, subsection 1, paragraph d, Code 2011,  
30 is amended to read as follows:

31 *d.* Information regarding any policies adopted by the  
32 governing body of the recipient entity that prohibit taking  
33 adverse employment action against employees of the recipient  
34 entity who disclose information about a service contract to  
35 the oversight agency, the auditor of state, the office of the

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1 attorney general, or the office of ~~citizens'~~aide ombudsman and  
2 that state whether those policies are substantially similar  
3 to the protection provided to state employees under section  
4 70A.28. The information provided shall state whether employees  
5 of the recipient entity are informed on a regular basis of  
6 their rights to disclose information to the oversight agency,  
7 the office of ~~citizens'~~aide ombudsman, the auditor of state,  
8 or the office of the attorney general and the telephone numbers  
9 of those organizations.

10 Sec. 27. Section 23A.4, Code 2011, is amended to read as  
11 follows:

12 **23A.4 Relief for aggrieved persons.**

13 1. Any aggrieved person may, after pursuing remedies  
14 offered by chapter 17A, seek injunctive relief for violations  
15 of this chapter by filing an action in the district court for  
16 the county in which the aggrieved business is located.

17 2. A state agency or political subdivision found to be in  
18 violation of this chapter shall be assessed and shall pay to  
19 the aggrieved person fees and other expenses, as defined in  
20 section 625.28.

21 3. Chapter 17A and this section are the exclusive remedy  
22 for violations of this chapter. However, the office of the  
23 ~~citizens'~~aide ombudsman may review violations of this chapter  
24 and make recommendations as provided in chapter 2C.

25 Sec. 28. Section 70A.28, subsections 2, 6, and 8, Code 2011,  
26 are amended to read as follows:

27 2. A person shall not discharge an employee from or take  
28 or fail to take action regarding an employee's appointment or  
29 proposed appointment to, promotion or proposed promotion to,  
30 or any advantage in, a position in a state employment system  
31 administered by, or subject to approval of, a state agency as a  
32 reprisal for a failure by that employee to inform the person  
33 that the employee made a disclosure of information permitted  
34 by this section, or for a disclosure of any information by  
35 that employee to a member or employee of the general assembly,

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1 a disclosure of information to the office of ~~citizens' aide~~  
2 ombudsman, or a disclosure of information to any other public  
3 official or law enforcement agency if the employee reasonably  
4 believes the information evidences a violation of law or rule,  
5 mismanagement, a gross abuse of funds, an abuse of authority,  
6 or a substantial and specific danger to public health or  
7 safety. However, an employee may be required to inform the  
8 person that the employee made a disclosure of information  
9 permitted by this section if the employee represented that  
10 the disclosure was the official position of the employee's  
11 immediate supervisor or employer.

12 6. Subsection 2 may also be enforced by an employee through  
13 an administrative action pursuant to the requirements of this  
14 subsection if the employee is not a merit system employee or  
15 an employee covered by a collective bargaining agreement. An  
16 employee eligible to pursue an administrative action pursuant  
17 to this subsection who is discharged, suspended, demoted,  
18 or otherwise receives a reduction in pay and who believes  
19 the adverse employment action was taken as a result of the  
20 employee's disclosure of information that was authorized  
21 pursuant to subsection 2, may file an appeal of the adverse  
22 employment action with the public employment relations  
23 board within thirty calendar days following the later of the  
24 effective date of the action or the date a finding is issued  
25 to the employee by the office of the ~~citizens' aide~~ ombudsman  
26 pursuant to section 2C.11A. The findings issued by the  
27 ~~citizens' aide~~ ombudsman may be introduced as evidence before  
28 the public employment relations board. The employee has the  
29 right to a hearing closed to the public, but may request a  
30 public hearing. The hearing shall otherwise be conducted in  
31 accordance with the rules of the public employment relations  
32 board and the Iowa administrative procedure Act, chapter 17A.  
33 If the public employment relations board finds that the action  
34 taken in regard to the employee was in violation of subsection  
35 2, the employee may be reinstated without loss of pay or

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1 benefits for the elapsed period, or the public employment  
2 relations board may provide other appropriate remedies.  
3 Decisions by the public employment relations board constitute  
4 final agency action.

5 8. The director of the department of administrative  
6 services or, for employees of the general assembly or of the  
7 state board of regents, the legislative council or the state  
8 board of regents, respectively, shall provide procedures for  
9 notifying new state employees of the provisions of this section  
10 and shall periodically conduct promotional campaigns to provide  
11 similar information to state employees. The information shall  
12 include the toll-free telephone number of the ~~citizens' aide~~  
13 ombudsman.

14 Sec. 29. Section 217.3A, subsection 3, paragraph a,  
15 subparagraph (1), Code 2011, is amended to read as follows:

16 (1) Members of the advisory committee shall include at least  
17 one district judge and representatives of custodial parent  
18 groups, noncustodial parent groups, the general assembly,  
19 the office of ~~citizens' aide~~ ombudsman, the Iowa state bar  
20 association, the Iowa county attorneys association, and  
21 other constituencies which have an interest in child support  
22 enforcement issues, appointed by the respective entity.

23 Sec. 30. Section 236.16, subsection 1, paragraph c, Code  
24 2011, is amended to read as follows:

25 c. Designate and award moneys for publicizing and staffing  
26 a statewide, toll-free telephone hotline for use by victims  
27 of domestic abuse. The department may award a grant to a  
28 public agency or a private, nonprofit organization for the  
29 purpose of operating the hotline. The operation of the  
30 hotline shall include informing victims of their rights and  
31 of various community services that are available, referring  
32 victims to service providers, receiving complaints concerning  
33 misconduct by peace officers and encouraging victims to refer  
34 such complaints to the office of ~~citizens' aide~~ ombudsman,  
35 providing counseling services to victims over the telephone,

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1 and providing domestic abuse victim advocacy.

2 EXPLANATION

3 This bill changes the title of the office of citizens' aide  
4 to the office of ombudsman. The office is established in Code  
5 chapter 2C.



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**Senate Study Bill 3016 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED IOWA PUBLIC  
EMPLOYEES' RETIREMENT  
SYSTEM BILL)

**A BILL FOR**

1 An Act establishing a federal-state agreement administration  
2 fund for purposes of funding the duties of the state's  
3 social security administrator and providing an  
4 appropriation.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. **NEW SECTION. 97C.13A Federal-state agreement**  
2 **administration fund — appropriation.**

3 1. A federal-state agreement administration fund is created  
4 in the office of the treasurer of state under the control  
5 of the state agency. There is appropriated annually from  
6 the general fund of the state to the federal-state agreement  
7 administration fund twenty thousand dollars to pay for expenses  
8 incurred by the state agency in the fulfillment of its duties  
9 under this chapter.

10 2. The federal-state agreement administration fund shall be  
11 established and held separate and apart from any other funds  
12 or moneys of the state and shall be used and administered  
13 exclusively for the purposes of this chapter.

14 3. Notwithstanding section 8.33, any unexpended balance  
15 in the fund at the end of each fiscal year shall not revert  
16 but shall remain in the fund for expenditure for subsequent  
17 fiscal years. Notwithstanding section 12C.7, any interest and  
18 earnings on amounts deposited in the fund shall be credited to  
19 the fund.

20 **EXPLANATION**

21 This bill establishes a federal-state agreement  
22 administration fund under the control of the Iowa public  
23 employees' retirement system (IPERS). The bill provides an  
24 annual appropriation of \$20,000 to the fund. Moneys in the  
25 fund shall pay expenses incurred by IPERS relative to the  
26 duties of IPERS under Code chapter 97C, the federal Social  
27 Security Enabling Act. The bill provides that moneys in the  
28 fund shall not revert and any interest and earnings on moneys  
29 deposited in the fund shall be credited to the fund.

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**Senate Study Bill 3017 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

**A BILL FOR**

1 An Act concerning the frequency of reporting and distribution  
2 of proceeds requirements for certain qualified organizations  
3 licensed to conduct social and charitable gambling.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 99B.2, subsection 4, Code 2011, is  
2 amended to read as follows:

3 4. A licensee required by subsection 2 to maintain records  
4 shall submit an annual report to the department on forms  
5 furnished by the department. The annual report shall be due  
6 thirty days following the end of each state fiscal year. The  
7 annual report shall contain a compilation of the information  
8 required to be recorded by subsection 2, and shall include  
9 all of the transactions occurring during the previous state  
10 fiscal year for which the report is submitted. Failure to  
11 submit the annual report is grounds for revocation of the  
12 license. Willful failure to submit the annual report is a  
13 serious misdemeanor. A person who intentionally files a false  
14 or fraudulent report or application with the department commits  
15 a fraudulent practice.

16 Sec. 2. Section 99B.7, subsection 3, paragraph c, Code  
17 Supplement 2011, is amended to read as follows:

18 c. (1) A qualified organization shall distribute amounts  
19 awarded as prizes on the day they are won. A qualified  
20 organization shall dedicate and distribute the balance of the  
21 net receipts received within a ~~quarter~~ state fiscal year and  
22 remaining after deduction of reasonable expenses, charges,  
23 fees, taxes, and deductions allowed by this chapter, before the  
24 ~~quarterly~~ annual report required for that ~~quarter~~ state fiscal  
25 year under section 99B.2, subsection 4, is due. The amount  
26 dedicated and distributed must equal at least seventy-five  
27 percent of the net receipts. A person desiring to hold the  
28 net receipts for a period longer than permitted under this  
29 paragraph shall apply to the department for special permission  
30 and upon good cause shown the department may grant the request.  
31 (2) If permission is granted to hold the net receipts, the  
32 person shall, as a part of the ~~quarterly~~ annual report required  
33 by section 99B.2, report the amount of money currently being  
34 held and all expenditures of the funds. This report shall be  
35 filed even if the person no longer holds a gambling license.

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1     Sec. 3. Section 99B.7B, subsection 3, paragraphs b and c,  
2 Code 2011, are amended to read as follows:  
3     **b.** Each qualified organization representing veterans shall  
4 withhold that portion of the gross receipts subject to taxation  
5 pursuant to section 423.2, subsection 4, which shall be kept  
6 in a separate account and sent to the state along with the  
7 organization's ~~quarterly~~ annual report required by section  
8 99B.2.  
9     **c.** A qualified organization representing veterans licensed  
10 to conduct card game tournaments is allowed to withhold no  
11 more than five percent of the gross receipts from each card  
12 game tournament for qualified expenses. Qualified expenses  
13 include but are not limited to the purchase of supplies and  
14 materials used in conducting card games. Any money collected  
15 for expenses and not used by the end of the ~~calendar~~ state  
16 fiscal year shall be donated for educational, civic, public,  
17 charitable, patriotic, or religious uses as described in  
18 section 99B.7, subsection 3, paragraph "b". The qualified  
19 organization representing veterans shall attach a receipt for  
20 any donation made to the ~~fourth quarter~~ quarterly annual report  
21 required to be submitted pursuant to section 99B.2.

22                                   EXPLANATION

23     This bill relates to the annual report required by  
24 Code section 99B.2(4) to be submitted to the department of  
25 inspections and appeals for licensees authorized to conduct  
26 certain social and charitable gambling under Code chapter 99B.  
27     Code section 99B.2 is amended to reflect that the fiscal  
28 year subject to the annual report is the state fiscal year.  
29 In addition, Code sections 99B.7, concerning games conducted  
30 by qualified organizations, and 99.7B, concerning card game  
31 tournaments conducted by qualified organizations representing  
32 veterans, are amended to reflect that the report required  
33 to be submitted to the department is an annual, and not a  
34 quarterly, report. In addition, Code sections 99B.7 and 99B.7B  
35 are amended to provide that moneys collected by qualified

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1 organizations conducting gambling and not used for prizes and  
2 expenses shall be donated, unless permission is otherwise  
3 granted, by the end of the state fiscal year and noted on  
4 the annual report. Current law requires distribution of  
5 these moneys by the end of the calendar year for qualified  
6 organizations representing veterans conducting card game  
7 tournaments and by the end of each quarter year for other  
8 qualified organizations.





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**Senate Study Bill 3018 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED CITIZENS'  
AIDE/OMBUDSMAN BILL)

**A BILL FOR**

1 An Act relating to governmental bodies and meetings of  
2 governmental bodies under Iowa's open meetings law.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5271DP (1) 84  
rh/rj



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1 Section 1. Section 21.2, Code 2011, is amended to read as  
2 follows:

3 **21.2 Definitions.**

4 As used in this chapter:

5 1. "Governmental body" means:

6 a. A board, council, commission, or other governing body  
7 expressly created by the statutes of this state or by executive  
8 order.

9 b. A board, council, commission, or other governing body  
10 of a political subdivision or tax-supported district in this  
11 state.

12 c. A multimembered body formally and directly created by  
13 one or more boards, councils, commissions, or other governing  
14 bodies subject to paragraphs "a" and "b" of this subsection.

15 d. Those multimembered bodies to which the state board  
16 of regents or a president of a university has delegated  
17 the responsibility for the management and control of the  
18 intercollegiate athletic programs at the state universities.

19 ~~e. An advisory board, advisory commission, or task force~~  
20 ~~created by the governor or the general assembly to develop and~~  
21 ~~make recommendations on public policy issues.~~

22 ~~f.~~ e. A nonprofit corporation other than a fair conducting  
23 a fair event as provided in chapter 174, whose facilities or  
24 indebtedness are supported in whole or in part with property  
25 tax revenue and which is licensed to conduct pari-mutuel  
26 wagering pursuant to chapter 99D or a nonprofit corporation  
27 which is a successor to the nonprofit corporation which built  
28 the facility.

29 ~~g.~~ f. A nonprofit corporation licensed to conduct gambling  
30 games pursuant to chapter 99F.

31 ~~h. An advisory board, advisory commission, advisory~~  
32 ~~committee, task force, or other body created by statute or~~  
33 ~~executive order of this state or created by an executive order~~  
34 ~~of a political subdivision of this state to develop and make~~  
35 ~~recommendations on public policy issues.~~

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1     ~~i. g.~~ The governing body of a drainage or levee district  
2 as provided in chapter 468, including a board as defined in  
3 section 468.3, regardless of how the district is organized.  
4     ~~j. h.~~ An advisory board, advisory commission, advisory  
5 committee, task force, or other body created by an An entity  
6 or a joint board established or organized pursuant to an  
7 agreement under chapter 28E, or by the administrator or joint  
8 board specified in a chapter 28E agreement, to develop and make  
9 recommendations on public policy issues unless the agreement  
10 includes public agencies from more than one state.  
11     i. An advisory board, advisory commission, advisory  
12 committee, task force, or other body created by any of the  
13 following to develop and make recommendations on public policy  
14 issues:  
15         (1) The governor or the general assembly.  
16         (2) A statute or executive order of this state.  
17         (3) An executive order or motion, resolution, or ordinance  
18 of a political subdivision of this state.  
19         (4) A governmental body as defined in paragraphs "a" through  
20 "h".  
21     2. "Meeting" means a gathering in person or by electronic  
22 means, formal or informal, of a majority of the members of  
23 a governmental body where there is deliberation or action,  
24 upon any matter within the scope of the governmental body's  
25 policy-making duties or formulation of public policy or  
26 recommendations relating to public policy, concerning public  
27 business within the governmental body's duties or discretion.  
28 Meetings shall not include a gathering of members of a  
29 governmental body for purely ministerial or social purposes  
30 when there is no discussion of policy or no intent to avoid the  
31 purposes of this chapter.  
32     3. "Open session" means a meeting to which all members of  
33 the public have access.  
34     Sec. 2. Section 21.11, Code 2011, is amended to read as  
35 follows:



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1     **21.11 Applicability to nonprofit corporations.**

2     This chapter applies to nonprofit corporations which  
3 are defined as governmental bodies subject to section 21.2,  
4 subsection 1, paragraph ~~"f"~~ "e", only when the meetings  
5 conducted by the nonprofit corporations relate to the conduct  
6 of pari-mutuel racing and wagering pursuant to chapter 99D.

7                                   EXPLANATION

8     This bill relates to governmental bodies and meetings of  
9 governmental bodies under Iowa's open meetings law.

10    The bill amends the definition of governmental body for  
11 purposes of the open meetings law (Code chapter 21) to provide  
12 that all advisory bodies created by the governor, general  
13 assembly, statute or executive order of this state, executive  
14 order or motion, resolution, or ordinance of a political  
15 subdivision of this state, or a governmental body defined  
16 in Code section 21.2, subsection 1, to develop and make  
17 recommendations on public policy issues, are subject to the  
18 requirements of the open meetings law.

19    The bill amends the definition of a meeting for purposes  
20 of Code chapter 21 (Iowa's open meetings law) to provide that  
21 a meeting includes a gathering in person or by electronic  
22 means, formal or informal, of a majority of the members of  
23 a governmental body where there is deliberation or action,  
24 or formulation of public policy or recommendations relating  
25 to public policy, concerning public business within the  
26 governmental body's duties or discretion.



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**Senate Study Bill 3019 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON DANIELSON)

**A BILL FOR**

1 An Act exempting review services from specified requirements  
2 otherwise applicable to the performance of attest services  
3 by out-of-state certified public accounting firms.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 542.20, subsection 5, paragraph a, Code  
2 2011, is amended to read as follows:

3 a. The firm shall not perform attest services, other than  
4 review services, in Iowa or for a client having a home office  
5 in Iowa.

6 Sec. 2. Section 542.20, subsection 5, paragraph c, Code  
7 2011, is amended to read as follows:

8 c. The firm may perform compilation or review services only  
9 if it complies with the ownership and peer review requirements  
10 of section 542.7.

11 Sec. 3. Section 542.20, subsection 6, paragraph c, Code  
12 2011, is amended to read as follows:

13 c. An individual who provides attest services, other than  
14 review services, in Iowa or for a client having a home office  
15 in Iowa must practice through a certified public accounting  
16 firm that is licensed under section 542.7.

17 Sec. 4. Section 542.20, subsection 6, Code 2011, is amended  
18 by adding the following new paragraph:

19 NEW PARAGRAPH. h. An individual who provides reviews of  
20 financial statements, as provided in section 542.3, subsection  
21 1, in Iowa or for a client having a home office in Iowa must  
22 provide such services through a certified public accounting  
23 firm that is validly licensed in the state of its principal  
24 place of business and complies with the peer review and  
25 ownership provisions of section 542.7.

26 EXPLANATION

27 This bill exempts review services performed by out-of-state  
28 certified public accounting firms from permit to practice  
29 requirements otherwise applicable to the performance of attest  
30 services by such firms. Review services are included within  
31 the definition of "attest services" pursuant to Code section  
32 542.3, subsection 1. The bill requires review services to  
33 be provided through a certified public accounting firm that  
34 is validly licensed in the state of its principal place of  
35 business and subjects the performance of such services to

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1 ownership and peer review provisions contained in Code section  
2 542.7.



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**Senate Study Bill 3020 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED SECRETARY OF  
STATE BILL)

**A BILL FOR**

1 An Act requiring that absentee ballot return envelopes be  
2 conspicuously marked with county commissioner of elections  
3 receipt and postmark requirements.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5290XD (1) 84  
aw/sc





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1 Section 1. Section 53.17, subsection 2, Code 2011, is  
2 amended to read as follows:

3 2. a. In order for the ballot to be counted, the return  
4 envelope must be received in the commissioner's office before  
5 the polls close on election day or be clearly postmarked by an  
6 officially authorized postal service not later than the day  
7 before the election and received by the commissioner not later  
8 than noon on the Monday following the election.

9 b. Return envelopes shall be conspicuously marked to provide  
10 voters with notice of the requirements of this subsection. The  
11 state commissioner of elections shall adopt rules to implement  
12 this paragraph.

13 EXPLANATION

14 This bill requires that all absentee ballot return envelopes  
15 be marked conspicuously to give notice to voters that in  
16 order for the absentee ballot to be counted the ballot must  
17 be received before the polls close on election day or be  
18 postmarked by the day before the election and received by the  
19 county commissioner of elections not later than noon on the  
20 Monday following the election. The state commissioner of  
21 elections shall adopt rules to implement this requirement.



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**Senate Study Bill 3021 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON DANIELSON)

**A BILL FOR**

1 An Act relating to the licensure of ambulatory surgical  
2 centers, providing fees and penalties, and including  
3 effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5348XC (6) 84  
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1 Section 1. Section 135C.33, subsection 5, paragraph a, Code  
2 2011, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (6) An employee of an ambulatory surgical  
4 center licensed under chapter 135P.

5 Sec. 2. NEW SECTION. 135P.1 **Definitions.**

6 1. "*Ambulatory surgical center*" means any distinct facility  
7 that operates exclusively for the purpose of providing surgical  
8 services to patients not requiring hospitalization and in which  
9 the expected duration of services would not exceed twenty-four  
10 hours following an admission.

11 2. "*Department*" means the department of inspections and  
12 appeals.

13 3. "*Governmental unit*" means the state, or any county,  
14 municipality, or other political subdivision, or any  
15 department, division, board, or other agency of any of the  
16 foregoing.

17 Sec. 3. NEW SECTION. 135P.2 **Purpose.**

18 The purpose of this chapter is to protect the public  
19 health, safety, and welfare by providing for the development,  
20 establishment, and enforcement of basic standards for the  
21 operation, construction, and maintenance of ambulatory surgical  
22 centers.

23 Sec. 4. NEW SECTION. 135P.3 **Licensure.**

24 No person or governmental unit, acting severally or jointly  
25 with any other person or governmental unit, shall establish,  
26 operate, or maintain an ambulatory surgical center in this  
27 state without obtaining a license as provided under this  
28 chapter.

29 Sec. 5. NEW SECTION. 135P.4 **Application for license — fee.**

30 An ambulatory surgical center license shall be obtained from  
31 the department. Applications for a license shall be upon such  
32 forms and shall include such information as the department may  
33 reasonably require, which may include affirmative evidence  
34 of compliance with this chapter, other statutes, and rules  
35 as may be applicable. Each application for license shall be

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1 accompanied by the required license fee which shall be credited  
2 to the general fund of the state. The initial and annual  
3 license fee shall be five hundred dollars.

4 Sec. 6. NEW SECTION. 135P.5 Issuance and renewal of  
5 license.

6 1. Upon receipt of an application for license and the  
7 license fee, the department shall issue a license if the  
8 applicant and the ambulatory surgical center comply with this  
9 chapter and the rules of the department. The department shall  
10 renew a license upon payment of the five hundred dollar annual  
11 license fee and filing of an application form available from  
12 the department.

13 2. A license shall be either general or restricted in form.  
14 A license shall be issued only for the premises and persons  
15 or governmental units named in the application and is not  
16 transferable or assignable except with the written approval of  
17 the department. A license shall be posted in a conspicuous  
18 place on the licensed premises as prescribed by rule of the  
19 department.

20 Sec. 7. NEW SECTION. 135P.6 Denial, suspension, or  
21 revocation of license — hearings and review.

22 1. The department may deny, suspend, or revoke a license  
23 in any case where it finds that there has been a substantial  
24 failure to comply with this chapter or the rules or minimum  
25 standards adopted pursuant to this chapter.

26 2. The procedure governing notice and hearing to deny  
27 an application or suspend or revoke a license shall be in  
28 accordance with the rules adopted by the department. A full  
29 and complete record shall be kept of the proceedings and of  
30 any testimony. The record of any proceeding pursuant to this  
31 section need not be transcribed unless judicial review is  
32 sought. A copy or copies of the transcript may be obtained by  
33 an interested party on payment of the cost of preparing the  
34 copy or copies.

35 Sec. 8. NEW SECTION. 135P.7 Rules.

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1     1. The department shall adopt rules setting out the  
2 standards for ambulatory surgical centers to be licensed under  
3 this chapter. The rules shall state, at a minimum, that an  
4 ambulatory surgical center shall meet the federal requirements  
5 for conditions of participation in the federal Medicare program  
6 for ambulatory surgical centers under 42 C.F.R. pt. 416.

7     2. The department shall adopt rules to govern the notice  
8 and hearing procedure when a license is denied, suspended, or  
9 revoked.

10    3. The rules shall require ambulatory surgical centers  
11 to report ambulatory data to the department of public health  
12 or the designated intermediary for the purpose of public  
13 dissemination of health data as initially authorized in 1996  
14 Iowa Acts, chapter 1212, section 5, subsection 1, paragraph "a",  
15 subparagraph (4).

16    4. An ambulatory surgical center which is in operation at  
17 the time of promulgation of any applicable rules or minimum  
18 standards under this chapter shall be given a reasonable time,  
19 not to exceed one year from the date of promulgation, within  
20 which to comply with such rules and minimum standards.

21    5. The department shall enforce the rules.

22    Sec. 9. NEW SECTION. 135P.8 **Inspections.**

23    1. The department shall make or cause to be made inspections  
24 or complaint investigations of ambulatory surgical centers as  
25 the department deems necessary in order to determine compliance  
26 with this chapter and applicable rules.

27    2. A department inspector shall not participate in an  
28 inspection or complaint investigation of an ambulatory surgical  
29 center in which the inspector or a member of the inspector's  
30 immediate family works or has worked within the last two years  
31 or in which the inspector or the inspector's immediate family  
32 has a financial ownership interest. For the purposes of this  
33 section, "immediate family member" means a spouse, natural or  
34 adoptive parent or grandparent, child, grandchild, sibling,  
35 stepparent, stepchild, or stepsibling.

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1     Sec. 10. NEW SECTION. 135P.9 **Employee background checks.**

2     1. An ambulatory surgical center shall comply with child or  
3 dependent adult abuse information and criminal record checks  
4 and evaluations as provided in section 135C.33.

5     2. An ambulatory surgical center licensed in this state  
6 may access the single contact repository established by the  
7 department pursuant to section 135C.33 as necessary for the  
8 ambulatory surgical center to perform record checks of persons  
9 employed or being considered for employment by the ambulatory  
10 surgical center.

11    Sec. 11. NEW SECTION. 135P.10 **Confidentiality.**

12    The department's final inspection or investigation findings  
13 or the final survey findings of an accrediting body, authorized  
14 by the department in rule, with respect to compliance by an  
15 ambulatory surgical center with requirements for licensing  
16 or accreditation shall be made available to the public in a  
17 readily available form and place. Other information relating  
18 to an ambulatory surgical center obtained by the department  
19 which does not constitute the department's findings from an  
20 inspection or investigation of the ambulatory surgical center  
21 or the final survey findings of the accrediting body shall  
22 not be made available to the public, except in proceedings  
23 involving the denial, suspension, or revocation of a license  
24 under this chapter. The name of a person who files a complaint  
25 with the department shall remain confidential and shall not  
26 be subject to discovery, subpoena, or other means of legal  
27 compulsion for its release to a person other than department  
28 employees or agents involved in the investigation of the  
29 complaint.

30    Sec. 12. NEW SECTION. 135P.11 **Judicial review.**

31    Judicial review of an action of the department may be sought  
32 in accordance with chapter 17A. Notwithstanding the provisions  
33 of chapter 17A, petitions for judicial review may be filed  
34 in the district court of the county in which the ambulatory  
35 surgical center is located or to be located and the status quo

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1 of the petitioner or licensee shall be preserved pending final  
2 disposition of the judicial review matter.

3 Sec. 13. NEW SECTION. 135P.12 **Penalty.**

4 Any person establishing, conducting, managing, or operating  
5 any ambulatory surgical center without a license commits a  
6 serious misdemeanor, and each day of continuing violation after  
7 conviction shall be considered a separate offense.

8 Sec. 14. NEW SECTION. 135P.13 **Injunction.**

9 Notwithstanding the existence or pursuit of any other  
10 remedy, the department may, in the manner provided by law,  
11 maintain an action in the name of the state for injunction  
12 or other process against any person or governmental unit to  
13 restrain or prevent the establishment, conduct, management, or  
14 operation of an ambulatory surgical center without a license.

15 Sec. 15. EFFECTIVE DATE. This Act takes effect July 1,  
16 2013.

17 **EXPLANATION**

18 This bill relates to ambulatory surgical centers. The bill  
19 defines "ambulatory surgical center" using the definition  
20 provided by Medicare. The bill states the purpose of new Code  
21 chapter 135P is to protect public health, safety, and welfare  
22 by providing basic standards for operating, constructing, and  
23 maintaining an ambulatory surgical center.

24 The bill requires that any person or governmental unit  
25 acting separately or together that establishes, conducts, or  
26 maintains an ambulatory surgical center must have a license as  
27 provided under the Code chapter. The person or governmental  
28 unit shall obtain a license from the department of inspections  
29 and appeals (DIA). The application shall include information  
30 that the DIA may reasonably require including affirmative  
31 evidence of compliance with new Code chapter 135P, other  
32 statutes, and rules. An application must be accompanied by the  
33 required initial license fee of \$500. An annual license fee is  
34 also \$500. The license fees are to be credited to the state's  
35 general fund. The bill also provides that the DIA shall issue

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1 a license upon receiving an application if the applicant  
2 and the ambulatory surgical center comply with Code chapter  
3 135P and the rules of the department. A licensee receives  
4 reapproval upon payment of the \$500 license fee and filing  
5 an application form available from the DIA. Licenses are  
6 general or restricted in form. A license will be issued only  
7 for a premises and persons or governmental units named in the  
8 application and the license is not transferable or assignable  
9 without written approval of the DIA. The bill requires that  
10 a license be posted in a conspicuous place on the licensed  
11 premises as prescribed by department rules.

12 The bill states that the DIA may deny, suspend, or revoke a  
13 license when it finds the licensee or applicant substantially  
14 failed to comply with Code chapter 135P or rules or minimum  
15 standards adopted pursuant to the Code chapter. The bill  
16 states that the DIA rules will govern the procedure for notice  
17 and hearing to deny an application for a license or to revoke  
18 or suspend a license. The bill states a full and complete  
19 record of the proceedings shall be kept, but the record does  
20 not need to be transcribed unless judicial review is sought. A  
21 transcript of the proceeding may be obtained by an interested  
22 party on payment of the cost of preparing the copy or copies.

23 The bill provides that the DIA shall adopt rules setting  
24 the standards for an ambulatory surgical center to be licensed  
25 under the Code chapter. The rules must require that an  
26 ambulatory surgical center shall meet the federal requirements  
27 for conditions of participation in the federal Medicare  
28 program for ambulatory surgical centers under 42 C.F.R.  
29 pt. 416. The DIA must also establish, by rule, the notice  
30 and hearing procedure if a license is denied, revoked, or  
31 suspended. The DIA must also enforce the rules. The rules  
32 established by the DIA shall require ambulatory surgical  
33 centers to report ambulatory data to the department of public  
34 health or the designated intermediary for purposes of public  
35 health dissemination of health data. The bill states that





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1 an ambulatory surgical center in operation at the time of  
2 promulgation of applicable rules or standards under Code  
3 chapter 135P shall be given a reasonable time, not to exceed  
4 one year, to comply with the rules and minimum standards.

5 The bill provides for inspections of ambulatory surgical  
6 centers. The bill requires the DIA to make, or cause to be  
7 made, inspections or complaint investigations as the DIA deems  
8 necessary to determine compliance with Code chapter 135P and  
9 the applicable rules. The DIA inspectors must not participate  
10 in an inspection or complaint investigation of an ambulatory  
11 surgical center if the inspector or a member of the inspector's  
12 immediate family works or has worked at the ambulatory surgical  
13 center within the last two years. A DIA inspector also must  
14 not participate in an inspection or complaint investigation  
15 of an ambulatory surgical center in which the inspector or  
16 the inspector's immediate family has a financial or ownership  
17 interest.

18 The bill provides that an ambulatory surgical center shall  
19 comply with abuse and criminal background checks as provided  
20 in Code section 135C.33. The bill also states that a licensed  
21 ambulatory surgical center is allowed to access the single  
22 contact repository as is necessary to perform record checks of  
23 employees or potential employees.

24 The bill provides for the confidentiality of the DIA records  
25 of ambulatory surgical centers. The bill states that the DIA's  
26 final inspection or investigation findings, or survey findings  
27 of an accredited body authorized by the DIA rules, regarding  
28 an ambulatory surgical center's compliance with requirements  
29 for licensing or accreditation must be made available to the  
30 public in a readily available form and place. The bill states  
31 that other information acquired by the DIA relating to an  
32 ambulatory surgical center shall not be made available to the  
33 public except in proceedings involving denial, suspension,  
34 or revocation of a license. The bill also provides that the  
35 name of a person who files a complaint with the DIA shall

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1 remain confidential regardless of means of legal compulsion  
2 for its release, other than the release of the name to the DIA  
3 employees or agents involved in investigating a complaint.  
4 The bill provides that judicial review may be sought  
5 pursuant to Code chapter 17A, but petitions for judicial review  
6 may be filed in the district court of the county in which the  
7 ambulatory surgical center is located or is to be located,  
8 notwithstanding the terms of Code chapter 17A. The bill  
9 provides that the status quo of the petitioner or licensee is  
10 preserved pending final disposition in court.  
11 The bill establishes a penalty for any person establishing,  
12 conducting, managing, or operating an ambulatory surgical  
13 center without a license. The person is guilty of a serious  
14 misdemeanor and each day of the continuing violation after a  
15 conviction is a separate offense.  
16 The bill provides that the DIA may maintain an action in  
17 the name of the state for an injunction or other process  
18 against a person or governmental unit to restrain or prevent  
19 the establishment, conduct, management, or operation of an  
20 unlicensed ambulatory surgical center.  
21 The bill provides that the Act takes effect July 1, 2013.



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**Senate Study Bill 3022 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON DANIELSON)

**A BILL FOR**

1 An Act relating to the licensure of the practice of  
2 naturopathic medicine.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,  
2 are amended to read as follows:  
3 3. "*Licensed*" or "*certified*", when applied to a physician  
4 and surgeon, podiatric physician, osteopathic physician  
5 and surgeon, naturopathic physician, physician assistant,  
6 psychologist, chiropractor, nurse, dentist, dental hygienist,  
7 dental assistant, optometrist, speech pathologist, audiologist,  
8 pharmacist, physical therapist, physical therapist assistant,  
9 occupational therapist, occupational therapy assistant,  
10 respiratory care practitioner, practitioner of cosmetology  
11 arts and sciences, practitioner of barbering, funeral  
12 director, dietitian, marital and family therapist, mental  
13 health counselor, social worker, massage therapist, athletic  
14 trainer, acupuncturist, nursing home administrator, hearing aid  
15 dispenser, or sign language interpreter or transliterator means  
16 a person licensed under this subtitle.  
17 6. "*Profession*" means medicine and surgery, podiatry,  
18 osteopathic medicine and surgery, naturopathic medicine,  
19 practice as a physician assistant, psychology, chiropractic,  
20 nursing, dentistry, dental hygiene, dental assisting,  
21 optometry, speech pathology, audiology, pharmacy, physical  
22 therapy, physical therapist assisting, occupational therapy,  
23 occupational therapy assisting, respiratory care, cosmetology  
24 arts and sciences, barbering, mortuary science, marital  
25 and family therapy, mental health counseling, social work,  
26 dietetics, massage therapy, athletic training, acupuncture,  
27 nursing home administration, hearing aid dispensing, or sign  
28 language interpreting or transliterating.  
29 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended  
30 to read as follows:  
31 1. A person shall not engage in the practice of medicine  
32 and surgery, podiatry, osteopathic medicine and surgery,  
33 naturopathic medicine, psychology, chiropractic, physical  
34 therapy, physical therapist assisting, nursing, dentistry,  
35 dental hygiene, dental assisting, optometry, speech pathology,

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1 audiology, occupational therapy, occupational therapy  
2 assisting, respiratory care, pharmacy, cosmetology arts and  
3 sciences, barbering, social work, dietetics, marital and  
4 family therapy or mental health counseling, massage therapy,  
5 mortuary science, athletic training, acupuncture, nursing  
6 home administration, hearing aid dispensing, or sign language  
7 interpreting or transliterating, or shall not practice as a  
8 physician assistant, unless the person has obtained a license  
9 for that purpose from the board for the profession.

10 Sec. 3. Section 147.13, subsection 1, Code 2011, is amended  
11 to read as follows:

12 1. For medicine and surgery, osteopathic medicine and  
13 surgery, ~~and~~ acupuncture, and naturopathic medicine, the board  
14 of medicine.

15 Sec. 4. Section 147.74, Code 2011, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 22A. A naturopathic physician licensed  
18 under chapter 148F may use the words "*naturopathic physician*",  
19 "*naturopathic doctor*", "*doctor of naturopathy*", "*naturopathic*  
20 *medical doctor*", "*doctor of naturopathic medicine*", "*naturopath*"  
21 or the initials "*N.D.*" or "*N.M.D.*" after the person's name.

22 Sec. 5. Section 147.107, Code Supplement 2011, is amended by  
23 adding the following new subsection:

24 NEW SUBSECTION. 8A. A licensed naturopathic physician  
25 may prescribe all substances and devices consistent with the  
26 level of training of the naturopathic physician unless added  
27 to the exclusionary naturopathic formulary by the naturopathic  
28 advisory council.

29 Sec. 6. Section 148E.3, subsection 1, Code 2011, is amended  
30 to read as follows:

31 1. A person otherwise licensed to practice medicine and  
32 surgery, osteopathic medicine and surgery, naturopathic  
33 medicine, chiropractic, podiatry, or dentistry who is  
34 exclusively engaged in the practice of the person's profession.

35 Sec. 7. NEW SECTION. 148F.1 Definitions.

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1 As used in this chapter, unless the context otherwise  
2 requires:

3 1. *"Approved naturopathic medical program"* means any of the  
4 following:

5 a. A naturopathic medical education program in the  
6 United States providing the degree of doctor of naturopathy  
7 or doctor of naturopathic medicine. Such program shall  
8 offer graduate-level, full-time didactic and supervised  
9 clinical training and shall be accredited, or shall have  
10 achieved candidacy status for accreditation by the council  
11 on naturopathic medical education or by an equivalent  
12 federally recognized accrediting body for naturopathic medical  
13 programs also recognized by the board. Additionally, the  
14 program shall be an institution, or part of an institution of  
15 higher education that is either accredited or is a candidate  
16 for accreditation by a regional or national institutional  
17 accrediting agency recognized by the United States secretary  
18 of education.

19 b. A diploma-granting, degree-equivalent college or  
20 university in Canada that offers graduate-level, full-time  
21 didactic and supervised clinical training and is accredited, or  
22 has achieved candidacy status for accreditation by the council  
23 on naturopathic medical education or an equivalent federally  
24 recognized accrediting body for naturopathic medical programs  
25 also recognized by the board; and the college or university  
26 has provincial approval for participation in government-funded  
27 student aid.

28 2. *"Board"* means the board of medicine established in  
29 section 147.13.

30 3. *"Director"* means the executive director of the board of  
31 medicine.

32 4. *"Exclusionary naturopathic formulary"* means the  
33 exclusionary list of medicines, nonprescription and  
34 prescription, which naturopathic physicians may not use in the  
35 practice of their profession, as determined by the naturopathic

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1 advisory council.

2 5. "*Minor office procedures*" means methods for the repair  
3 and care incidental to superficial lacerations and abrasions,  
4 superficial lesions, and the removal of foreign bodies located  
5 in the superficial tissues.

6 6. "*Naturopathic advisory council*" means the naturopathic  
7 advisory council as established under this chapter.

8 7. "*Naturopathic medicine*" means a system of primary health  
9 care for the prevention, diagnosis, and treatment of human  
10 health conditions, injury, and disease, and the promotion or  
11 restoration of health. "*Naturopathic medicine*" includes the use  
12 of physiological, psychological, or mechanical methods, and the  
13 use of natural medicines, prescription or legend drugs, foods,  
14 herbs, or other natural remedies.

15 8. "*Naturopathic physician*" means a practitioner of  
16 naturopathic medicine who has been properly licensed for that  
17 purpose by the board of medicine under this chapter, who may  
18 diagnose, treat, and help prevent diseases using a system  
19 of practice that is based on the natural healing capacity  
20 of individuals, and may use physiological, psychological,  
21 or mechanical methods, and may use natural medicines,  
22 prescription, or legend drugs, foods, herbs, or other natural  
23 remedies.

24 9. "*Prescription drug*" means any drug described in section  
25 503(b) of the federal Food, Drug and Cosmetic Act, 21 U.S.C. §  
26 353, if its label is required to bear the symbol "RX only".

27 Sec. 8. NEW SECTION. 148F.2 **Licensure — naturopathic**  
28 **medicine.**

29 1. *Qualifications for licensure.* An applicant for a license  
30 to practice naturopathic medicine shall be granted a license  
31 by the board if the applicant satisfies all of the following  
32 requirements:

33 a. Submits an application for licensure designed and  
34 approved by the naturopathic advisory council.

35 b. Pays an application fee established by the board.

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1     *c.* Has graduated from an approved naturopathic medical  
2 program.

3     *d.* Has passed a competency-based national naturopathic  
4 licensing examination administered by the north American board  
5 of naturopathic examiners or successor agency, that has been  
6 nationally recognized to administer a naturopathic examination  
7 representing federal standards of education and training. For  
8 applicants who completed an approved naturopathic medical  
9 program located in Canada, eligibility for licensure may be  
10 granted with evidence of successful passage of a Canadian  
11 provincial competency examination.

12    *e.* Provides evidence that the applicant is of good ethical  
13 and professional reputation. An applicant shall not have had  
14 a license to practice naturopathic medicine or other health  
15 care license registration or certificate refused, revoked,  
16 or suspended by this state or any other jurisdiction for  
17 reasons that relate to the applicant's ability to skillfully  
18 and safely practice naturopathic medicine unless that license,  
19 registration, or certification has been restored to good  
20 standing.

21    *f.* Provides evidence that the applicant is physically and  
22 mentally capable of safely practicing naturopathic medicine  
23 with or without reasonable accommodation.

24    2. *Term of license.* A license granted pursuant to this  
25 section shall be renewed every two years.

26    Sec. 9. NEW SECTION. 148F.3 Use of title — exceptions.

27    1. A person shall not represent that the person is a  
28 naturopathic physician, a doctor of naturopathic medicine, a  
29 doctor of naturopathy, a naturopath, or as being otherwise  
30 authorized to practice naturopathic medicine in this state, or  
31 use the titles "N.D." or "N.M.D." or any other titles, words,  
32 letters, abbreviations, or insignia indicating or implying that  
33 the individual is a licensed naturopathic physician unless  
34 the individual has been licensed as a naturopathic physician  
35 pursuant to this chapter without first obtaining from the board

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1 a license to practice naturopathic medicine pursuant to the  
2 provisions of this chapter.

3 2. The practice of naturopathic medicine by a naturopathic  
4 physician licensed pursuant to this chapter does not constitute  
5 the practice of medicine and surgery under chapter 148, the  
6 practice of osteopathic medicine and surgery under chapter 148,  
7 or the practice of nursing under chapter 152.

8 3. This chapter and chapter 147 do not prevent qualified  
9 members of other professions including but not limited  
10 to individuals licensed under chapter 148, 150, 150A, or  
11 152 from providing services consistent with the nature of  
12 naturopathic medicine, but these persons shall not use a title  
13 or description denoting that they are licensed naturopathic  
14 physicians.

15 Sec. 10. NEW SECTION. 148F.4 Duties of board.

16 The board shall adopt rules consistent with this chapter,  
17 chapter 147, and as recommended by the naturopathic advisory  
18 council which are necessary for the performance of its duties.

19 Sec. 11. NEW SECTION. 148F.5 Naturopathic advisory council.

20 1. A naturopathic advisory council is established,  
21 consisting of the following members, appointed by the governor:

22 a. Four members who are naturopathic physicians who are  
23 residents of the state of Iowa and who are currently licensed  
24 in good standing in another state.

25 b. One member who is a pharmacist licensed in Iowa.

26 c. One member who is a medical or osteopathic physician  
27 licensed in Iowa, who has expertise in integrative medicine.

28 d. One member representing the general public.

29 2. Members shall not receive per diem or expense payments.

30 3. Members shall serve two-year terms, and shall serve until  
31 their successors have been appointed.

32 4. The council shall select a chairperson from its  
33 membership.

34 Sec. 12. NEW SECTION. 148F.6 Council powers and duties.

35 The naturopathic advisory council shall do all of the

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1 following:

2 1. Advise the board regarding standards for licensed  
3 naturopathic physicians.

4 2. Provide for distribution of information regarding  
5 licensed naturopathic physician standards.

6 3. Advise the board on enforcement issues.

7 4. Review applications for licensure and license renewal  
8 and recommend the granting or denial thereof.

9 5. Advise the board on issues related to receiving and  
10 investigating complaints, conducting hearings, and imposing  
11 disciplinary action in relation to complaints against licensed  
12 naturopathic physicians.

13 6. Review naturopathic education and training for and  
14 make specific recommendations to the board regarding the  
15 qualifications to practice naturopathic childbirth attendance.

16 7. Recommend to the board any prescription drugs which  
17 should be included on the exclusionary naturopathic formulary.

18 8. Advise the board regarding approval of continuing  
19 education programs specific to naturopathic practice.

20 Sec. 13. NEW SECTION. 148F.7 **Scope of practice.**

21 A naturopathic physician may do any of the following:

22 1. Order and perform physical and laboratory examinations  
23 consistent with naturopathic education and training for  
24 diagnostic purposes, including but not limited to phlebotomy,  
25 clinical laboratory tests, orificial examinations, and  
26 physiological function tests.

27 2. Order diagnostic imaging studies consistent with  
28 naturopathic training. All diagnostic tests not consistent  
29 with naturopathic medical education and training must be  
30 referred for performance and interpretation to an appropriately  
31 licensed health care professional.

32 3. Dispense, administer, order, and prescribe, provide, or  
33 perform the following, as applicable:

34 a. Food, extracts of food, nutraceuticals, vitamins, amino  
35 acids, minerals, enzymes, botanicals and their extracts,

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- 1 botanical medicines, homeopathic medicines, and all dietary  
2 supplements and nonprescription drugs as defined by the federal  
3 Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq.  
4     *b.* Prescription or legend drugs and hormonal replacement.  
5     *c.* Hot or cold hydrotherapy, naturopathic physical medicine,  
6 and therapeutic exercise.  
7     *d.* Devices, including but not limited to therapeutic  
8 devices, barrier contraception, and durable medical equipment.  
9     *e.* Health education and health counseling.  
10    *f.* Repair and care incidental to superficial lacerations and  
11 abrasions.  
12    *g.* Removal of foreign bodies located in the superficial  
13 tissues.  
14    *h.* Musculoskeletal manipulation consistent with  
15 naturopathic education and training.  
16    4. Utilize routes of administration that include oral,  
17 nasal, auricular, ocular, rectal, vaginal, transdermal,  
18 intradermal, subcutaneous, intravenous, and intramuscular  
19 consistent with the education and training of a naturopathic  
20 physician.  
21    5. Perform all therapies as trained and educated, and  
22 approved by the naturopathic advisory council.  
23    Sec. 14. NEW SECTION. 148F.8 Prohibitions.  
24    A naturopathic physician licensed under this chapter shall  
25 not do any of the following:  
26    1. Perform or induce abortions.  
27    2. Perform surgical procedures except those minor office  
28 procedures authorized by this chapter.  
29    3. Practice or claim to practice as a medical or osteopathic  
30 physician, dentist, pharmacist, podiatrist, optometrist,  
31 psychologist, advanced practice registered nurse, physician  
32 assistant, chiropractor, physical therapist, acupuncturist, or  
33 any other health care provider not authorized in this chapter  
34 unless licensed by the state of Iowa as such.  
35    4. Use general or spinal anesthetics.

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1 5. Administer ionizing radioactive substances for  
2 therapeutic purposes.

3 6. Administer or prescribe chemotherapeutic medications for  
4 the purpose of cancer treatment.

5 7. Perform surgical procedures of the eye, ear, nerves,  
6 veins, or arteries extending beyond superficial tissue.

7 Sec. 15. NEW SECTION. 148F.9 Exemptions.

8 Nothing in this chapter shall be construed to prohibit or  
9 restrict:

10 1. The practice of a profession by individuals who are  
11 licensed, certified, or registered under other laws of this  
12 state who are performing services within their authorized scope  
13 of practice.

14 2. The practice of naturopathic medicine by an individual  
15 employed by the government of the United States while the  
16 individual is engaged in the performance of duties prescribed  
17 by the laws and regulations of the United States.

18 3. The practice of naturopathic medicine by students  
19 enrolled in an approved naturopathic medical program. The  
20 performance of services shall be pursuant to a course of  
21 instruction or assignments from an instructor and under the  
22 supervision of the instructor. The instructor shall be a  
23 naturopathic physician licensed pursuant to this chapter or a  
24 duly licensed professional in the instructed field.

25 4. Persons from treating themselves and family members  
26 based on religious or health beliefs.

27 5. Persons who sell vitamins and herbs from providing  
28 information about their products.

29 6. Persons or practitioners from advising in the use of  
30 a therapy, including but not limited to: herbal medicine,  
31 homeopathy, nutrition, or other nondrug or nonsurgical therapy  
32 that is within the scope of practice of naturopathic physicians  
33 as outlined in this chapter as long as such therapy is lawful,  
34 or, if a licensed health care provider, within the scope of  
35 practice of the profession; and provided that such person is



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1 not using a title protected pursuant to this chapter or holding  
2 themselves out to be a naturopathic physician.

3 7. The practice of naturopathic medicine by persons who  
4 are licensed to practice in any other state as practicing  
5 naturopathic physicians, who enter this state to consult with  
6 a licensed naturopathic physician in this state; provided,  
7 however, that the consultation is to be limited to examination,  
8 recommendation, or testimony in litigation.

9 Sec. 16. FUNDING. The board of medicine shall apply  
10 to the department of administrative services to request an  
11 allocation of moneys from the IowAccess revolving fund to fund  
12 the estimated seventy-five thousand dollars for expansion  
13 of the advanced Maryland automatic network disk archiver  
14 (AMANDA) system to allow licensure of naturopathic physicians  
15 in the AMANDA system currently being developed for the boards  
16 of dentistry, nursing, and medicine. The board shall not  
17 implement a fee increase to make this adjustment to the AMANDA  
18 system for naturopathic physicians. Until such changes are  
19 made to the electronic licensing system the board shall license  
20 naturopathic physicians under the current procedures used to  
21 license medical and osteopathic physicians.

22 EXPLANATION

23 This bill requires the licensing of naturopathic physicians  
24 and makes the provisions of Code chapter 147, including  
25 penalty and other regulatory provisions, applicable to other  
26 health professions applicable to the practice of naturopathic  
27 medicine. The bill provides that the practice of naturopathic  
28 medicine means the provision of naturopathic services defined  
29 as a system of primary health care for the prevention,  
30 diagnosis, and treatment of human health conditions, injury,  
31 and disease, and the promotion or restoration of health.  
32 Naturopathic medicine includes the use of physiological,  
33 psychological, or mechanical methods, and the use of natural  
34 medicines, prescription or legend drugs, foods, herbs, or  
35 other natural remedies. The bill specifies qualifications

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1 for licensure and the scope of practice for a naturopathic  
2 physician, and details functions that a naturopathic physician  
3 may not perform.

4 The practice of naturopathic medicine is regulated by the  
5 board of medicine, with the advice of a naturopathic advisory  
6 council. The council consists of seven members, four of  
7 whom are naturopathic physicians, one medical or osteopathic  
8 physician, a pharmacist, and one member representing the  
9 general public. The council does not receive a per diem or  
10 expenses.

11 The bill provides that qualified members of other  
12 professions, including physicians and nurses, are not prevented  
13 from providing services consistent with naturopathic medicine,  
14 but these persons shall not use a title or description denoting  
15 that they are naturopathic physicians. The bill sets out these  
16 titles.

17 The bill provides for inclusion of licensed naturopathic  
18 physicians in the AMANDA system. This system is a network  
19 disk archiver system currently used by the boards of nursing,  
20 dentistry, and medicine.



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**Senate Study Bill 3023 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
REVENUE BILL)

**A BILL FOR**

1 An Act updating the Code references to the Internal Revenue  
2 Code, and including effective date and retroactive  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 15.335, subsection 7, paragraph b, Code  
2 Supplement 2011, is amended to read as follows:

3 *b.* For purposes of this section, "*Internal Revenue Code*"  
4 means the Internal Revenue Code in effect on January 1, ~~2011~~  
5 2012.

6 Sec. 2. Section 15A.9, subsection 8, paragraph e,  
7 subparagraph (2), Code Supplement 2011, is amended to read as  
8 follows:

9 (2) For purposes of this subsection, "*Internal Revenue Code*"  
10 means the Internal Revenue Code in effect on January 1, ~~2011~~  
11 2012.

12 Sec. 3. Section 422.3, subsection 5, Code Supplement 2011,  
13 is amended to read as follows:

14 5. "*Internal Revenue Code*" means the Internal Revenue Code  
15 of 1954, prior to the date of its redesignation as the Internal  
16 Revenue Code of 1986 by the Tax Reform Act of 1986, or means  
17 the Internal Revenue Code of 1986 as amended to and including  
18 January 1, ~~2011~~ 2012.

19 Sec. 4. Section 422.10, subsection 3, paragraph b, Code  
20 Supplement 2011, is amended to read as follows:

21 *b.* For purposes of this section, "*Internal Revenue Code*"  
22 means the Internal Revenue Code in effect on January 1, ~~2011~~  
23 2012.

24 Sec. 5. Section 422.32, subsection 1, paragraph g, Code  
25 Supplement 2011, is amended to read as follows:

26 *g.* "*Internal Revenue Code*" means the Internal Revenue Code  
27 of 1954, prior to the date of its redesignation as the Internal  
28 Revenue Code of 1986 by the Tax Reform Act of 1986, or means  
29 the Internal Revenue Code of 1986 as amended to and including  
30 January 1, ~~2011~~ 2012.

31 Sec. 6. Section 422.33, subsection 5, paragraph d,  
32 subparagraph (2), Code Supplement 2011, is amended to read as  
33 follows:

34 (2) For purposes of this subsection, "*Internal Revenue Code*"  
35 means the Internal Revenue Code in effect on January 1, ~~2011~~





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1 2012.

2 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
3 immediate importance, takes effect upon enactment.

4 Sec. 8. RETROACTIVE APPLICABILITY. This Act applies  
5 retroactively to January 1, 2011, for tax years beginning on  
6 or after that date.

7 EXPLANATION

8 This bill updates the Iowa Code references to the Internal  
9 Revenue Code to make federal income tax revisions enacted by  
10 Congress in 2011 applicable for Iowa income tax purposes.

11 Code sections 422.3 and 422.32, general definitions  
12 sections in the chapter of the Code that governs corporate  
13 and individual income tax and the franchise tax on financial  
14 institutions, are amended to update the references to the  
15 Internal Revenue Code to make certain federal income tax  
16 revisions enacted by Congress in 2011 applicable for purposes  
17 of the corporate and individual income taxes and the franchise  
18 tax on financial institutions.

19 Code sections 15.335, 15A.9, 422.10, and 422.33 are amended  
20 to update the Internal Revenue Code references to the state  
21 research activities credit for individuals, corporations,  
22 corporations in economic development areas, and corporations  
23 in quality jobs enterprise zones to include the 2011 federal  
24 changes to the research activities credit and the alternative  
25 simplified research activities credit.

26 The bill takes effect upon enactment and applies  
27 retroactively to January 1, 2011, for tax years beginning on  
28 or after that date.